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Alain de Benoist: *Johannes Althusius*

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Dealing with the Digital Divide: The Rough Realities of Cyberspace

Tim Luke

In a time when familiar TV ads show everyday Americans proclaiming that they are not depending on government, counting on big companies, or waiting for fat inheritances, because they continuously trade stocks online to get rich, the digital divide has become a major worry. What this means is not clear, but it usually boils down to a common package of household PC ownership, individual computer literacy, and good Internet access. Whether it is President Clinton declaring he wants to "slam shut the digital divide," Secretary of Commerce William Daley musing that the US should set "a goal where we'd have a computer in every house, like many years ago they used to talk about a chicken in every pot," or General Colin Powell decrying how unequal access to computers is creating "digital apartheid" in the world's richest nation, the digital divide recently has turned into *the* hottest button to push by anyone hoping to express genuine concern about inequality and poverty in the 21st century.[1]

Yet, information inequality is not a new phenomenon. What is at stake here? Over 50% of the nation's households now own stock, but those who trade online tend to lose more money than those who do not. There are many digital divides. Getting a computer in every house undoubtedly will slam shut only one by opening many more. Digital apartheid could just as well be another small box canyon along the larger racial ravines that cut across the US.

1. Ariana Ejung Cha, "Initiative Outlines for 'Digital Divide'," in *The Washington Post* (December 10, 1999), E3; and B. Drummond Ayres, Jr., "They may be Governors, but the Talk is Presidential," in *The New York Times* (July 10, 2000), p. 12.

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The rapidity of change in the digital domains of the Internet is well known, and to write anything about the Net is hazardous, because the networks are always being transformed.[2] Many leaders continue to talk about how cyberspace will open into an egalitarian realm where everyone can enjoy free and easy access to everything anytime. But there are some very rough material realities in cyberspace, beginning with how bits travel over wired and wireless networks, and ending with what the bits do as e-commerce or infotainment. The Net is about digital capitalism. Ordinary access to, and everyday use of the Internet is quite unequal.[3] First, the Internet's routers, switches, and connections are owned by a few, but sold, leased, or rented to the many. Second, getting into cyberspace for any individual costs a great deal of effort, money, and time. Third, planned and unplanned obsolescence is the essence of cyberspace, so all of these collective infrastructure and individual end user costs have to be paid over and over again simply to maintain functionality. Consequently, inequalities of wealth and differences in status offline are directly translated into tremendous inequities in the online environment.

The US government recognizes this, but its response is to cast Internet use as a telecommunications service issue. For Washington, the digital divide is simple: who has access to new information technologies, like digital telephones, personal computers, and network connections, and who does not. These inequities, according to the Department of Commerce, should be seen as "one of America's leading economic and civil rights issues."[4] This understanding resonates with the views of the Clinton White House. Thus, the digital divide has already been the subject of a major PBS documentary (January 2000), a target of big grants from AOL (in March 2000), and the subject of a Clinton-Gore national tour (in April

2. The number of web pages, for example, basically doubled from December 1999 to June 2000. There are over 2 billion pages on the World Wide Web, and 7 million new ones get posted everyday; yet, 85% of them are found in US domains, and most of them are in English. See *http://www.cyueillance.com/newsroom/pressr/000710.ASP*. Internet use has grown tremendously worldwide over the past decade, rising from a few hundred thousand individual users in 1991 to 143 million in 1998, and to over 332 million in June 2000. It should easily increase to nearly 700 million by the end of 2001. Of the Net's 377 million users in September 2000, 161 million live in the US or Canada, and 106 million live in Europe. See *http://www.nva.ie.surveys/how_many_online/index.html*.

3. Almost 90% of all Net users live in rich industrial countries, 80% of all WWW sites are in English, but less than 10% of the world's population speaks English or lives in these countries. See *The Washington Post* (July 13, 1999), p. E2.

4. National Telecommunications and Information Administration (NTIA), *Americans in the Information Age: Falling Through the Net* (Washington, D.C.: U.S. Department of Commerce, 1999), p. 1.

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2000). Unlike many economic and civil rights struggles of the past, the digital divide has been uppermost in the US' network building program from the moment it decided in the mid-1990s to privatize the Internet. In the past, corporate groups and presidential administrations never attacked telephonic divides, radio inequality, or televisual concentrations. In a market economy based on pay-per-view, information inequality has always been assumed to be a fact of life.

Those who worry about the digital divide believe their efforts manifest a genuine concern for equality and justice, because digitalization seems to be creating many more new inequalities and injustices so quickly. Unfortunately, the digital divide marks the contours of a changing immature technology, whose final forms and full adoption are nowhere near their ultimate levels of saturation. Consequently, many Internet firms may pretend that those few who "have now" will help the many "who will have later," but this rhetoric only masks the much rougher realities of "the haves" continuing to benefit over and over again from "the have nots." Efforts to close the digital divide are really aimed at reconstructing existing forms of citizenship, labor, and consumption around online activities in virtual structures to reduce costs, streamline services, increase productivity, and boost growth.[5]

"Being Digital"

The emergent myths of online agency in cyberspace are celebrated bravely as the latest stage in society's on-going modernization. Many devotees of digitalization oversell what they see as the positive aspects of online life, and underplay how already existing social and economic inequalities will continue to be just as great as they are in cyberspace. Thus, Nicholas Negroponte is obsessed with "being digital." He believes a new lifeworld organized around making, moving, and managing "bits" will replace many embodied forms of interaction conducted with, by and through "atoms." For Negroponte, "the change from atoms to bits is irrevocable and unstoppable," and digitalization ultimately leads to a liberating era of widespread dematerialization. To mark this turning point in history, he asserts "computing is not about computers any more. It is about living."[6] While his claim is in some sense true, there are questions: living how, living where, living for whom, and by whose leave?

Negroponte dismisses worries about "the social divide between the

5. The best example of such electronic evangelism is George Gilder. See his *Telecosm: How Infinite Bandwidth Will Revolutionize Our World* (New York: Free Press, 2000).

6. Nicholas Negroponte, *Being Digital* (New York: Knopf, 1995), p. 6.

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information-rich and the information-poor, the haves and the have-nots, the First and the Third Worlds," because the "real cultural divide is going to be generational," as "the young" integrate digital technology into their lives first. This glib rehash of 1950s froth about TV and kids, however, discounts the bigger questions about access, equality, and distribution to the digerati's wired world. Only a few of "the young" in the richer, more progressive areas of advanced capitalist societies have good PCs and Net connections at home, at school, or at work. Elsewhere, there still are a great many digital divides. Like many modernizers before him, Negroponte addresses a small, privileged, wealthy elite. He speaks to them abstractly in terms of free, equal, and fraternal identity as "You, the reader," while he presumes that as "I, the writer," he speaks to/for all of humanity, even though only 35% of American families owned computers, 50% of American teenagers had PCs at home, and 30 million people worldwide were surfing the Net when he made these claims in 1995.[7]

Despite tremendous ethnic, racial, and class disparities in computer use, Negroponte implores those who already "are" digital "to read yourself into this book" [*Being Digital*], just as you must with the digital revolution, so you will begin to "feel and understand what 'being digital' might mean to your life." These changes are very vague, but Negroponte believes they involve a total redefinition of everyday life: "Mass media will be redefined by systems for transmitting and receiving personalized information and entertainment. Schools will change to become more like museums and playgrounds for children to assemble ideas and socialize with other children all over the world. The digital planet will look and feel like the head of a pin. As we interconnect ourselves, many of the values of a nation-state will give way to those of both larger and smaller electronic communities. We will socialize in digital neighborhoods in which physical space will be irrelevant and time will play a different role."[8]

What this means for most people is clear: the digital planet now has

7. By 1998, only 42% of all US households had PCs, and Internet home access was still not common. See The *New York Times* (July 9,1999), p. AIZ. Over 32% of white households had Net access, while black ones had about 12%, Hispanic 13%, and Asian 31%. See *The Washington Post* (July 9, 1999), p. AZO. By 2000, the overall number of US households on the Net exceeded 50%. See http://nua.ie.survey/how_many_online_/index.html. For these computer-savvy people, Negroponte celebrates how computers are crawling "into our laps and pockets," so that "early in the next millennium, your right and left cuff links or earrings may communicate with each other by low-orbiting satellites and have more computing power than your present PC." See Negroponte, *Being Digital*, *op. cit.*, p. 6; and *http://ntia.doc.gov./ntiahome/digitaldivide/*.

8. Negroponte, *Being Digital*, *op. cit.*, pp. 6-7.

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over 6 billion people, and 3 billion of them have never made a phone call. Becoming digital will mean either being snared indirectly into new world-wide webs of domination spun from select digital neighborhoods or being left "outside." For those affluent enough to own info-cufflinks or cyber-earrings, personalized infotainment might turn their digital planet into a bevy of larger and smaller electronic communities. Nation-states might become more like museums, as digital neighborhoods function as playgrounds for such web-wise interconnected selves to assemble ideas and socialize all over the world. For those still living offline, however, the digital divide will keep them from living as ones-and-zeros.

In a parallel vein, Bill Gates admits there are serious "equity issues that will have to be addressed."[9] Yet, he also realizes that "one of the wonderful things about the information highway is that virtual equity is far easier to achieve than real-world equity."[10] In this state of wonder, Gates then makes a more remarkable claim: "We are all created equal in the virtual world, and we can use this equality to help address some of the sociological problems that society has yet to solve in the physical world. The network will not eliminate barriers of prejudice or inequality, but it will be a powerful force in that direction."[11] Like Negroponte, Gates naïvely assumes everyone is as free, equal, and fraternal as he (with all the connectivity his billions can buy) believes himself to be. Unfortunately, not everyone has, or can easily access their own high-end workstation, big bandwidth net connection, and sophisticated software resources, even though the digerati assume they can essentially jack into the virtual equality, cyberliberty, and netcentric fraternity emerging from every dataport.

As Negroponte argues, digitalization is doing far more than either replacing "the manipulation of atoms" with "the management of bits," or, as Gates claims, rolling everyone into "friction-free capitalism." In computer technology terms, manipulating atoms is merely one "operating system" with its own unique user interfaces, wide area networks, peripheral components, intelligent agents, and killer applications. Many forms of atom manipulation will not disappear, but they are losing centrality as the workings of this system are displaced, disrupted, and disintegrated by the management of bits. Even though this is not the end of history, it is the beginning of virtuality. The shape of things to come increasingly is taking

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9. Bill Gates with Norman Myvrvold and David Rinearson, *The Road Ahead* (New York: Viking, 1995), p. 251.
10. *Ibid.*, p. 258.
11. *Ibid.*, pp. 258-259.

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the form of electronic practices and things, ranging from e-commerce, e-books, e-mail to cyber-privacy, online-society, or virtual corporations. What lies ahead are various new forms of individual and collective "e-havior" in which "distance" allegedly "dies." Bits may emerge as the new tools of management, but atoms will never disappear. In turn, as many follow Gates, they will not necessarily pass mileposts that mark progress toward greater equality, broader efficiency, and wider prosperity. Whose advances such progress represents is still unclear. In fact, "being digital" today often boils down to becoming wired to get hired and/or avoid being fired, because anyone's atoms will be controlled by another's bits.

For these reasons, Internet connectivity is unlikely to become part of "the standard package" for ordinary people now being left in the digital dust. Net connections are eclipsing television ownership as the *sine qua non* for full equality in the informational democracy of globalized capitalism. Not surprisingly, Jesse Jackson now presents access to computer technology as "the newest stage of the civil rights struggle."[12] Some see the Net as a simple extension of the office's water cooler. Yet, it is a complex sales space that combines 24x7 access with perfect psychodemographic profiling and multimedia merchandising mechanisms for millions of markets. Relentless systems of rationalization are turned into a point-and-click affair in which the victims pay for the privilege of being continuously bombarded by advertising, spydered in data mining, and cookied for surveillance as part and parcel of "being digital."

In the hands of Negroponte and Gates, this new modernization myth, with its fresh cultural imperatives resting on a destructive new technics with its own unformed social mores, seems destined to bring yet another universal moral order, uniform vision of nature, and univocal economic model into the world as "progress."[13] Bits, like everything else defined by commodified commercial operations, are now privileged objects, which can go from anywhere to anywhere at anytime for anybody.[14] Still, this omnipresence essentially ignores how much "anywhere" still remains a set of very limited venues, and most movements go from few somebodies at one privileged site to a few other somebodies at another.

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12. Katie Hafner, "A Credibility Gap in the Digital Divide," in *The New York Times* (March 3, 2000), wk 3.

13. See Fredric Jameson, *Postmodernism, or the Cultural Logic of Late Capitalism* (Durham: Duke University Press, 1992).

14. Mark Slouka, *War of the Worlds: Cyberspace and the High-Tech Assault on Realism* (New York: 1995).

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Digital Delusions: An "E-havioral" Revolution?

Despite what Negroponte and Gates claim, these new forms of "netizenship" allegedly being brought to all computer users on the Internet fall short of real lived community. Living online is very different from face-to-face democracy or even the print capitalist-citizenship of territorial nationals who can never face each other in big nation-states, because the community of netizens on the Net is much more than the population residing in any single city, polis, or state. To begin with, as the post-IPO Internet address retailer, Network Solutions, suggests in its many cable television ads, the Net's bitscapes are today's equivalent of the Wild West — a telematic *terra nullius* in which anyone can grab their "dot coms" and get rich. This commercialization of cyberspace transforms its ones-and-zeros into a new type of hyperreal estate. The old interface values of hackers and crackers, which celebrated the disembodied subjectivity, distributed community, and cybernetic play in the early years of the Net, are being eclipsed rapidly by more familiar offline practices as inequalities in wealth, knowledge and power develop in the online e-commerce between "e-tailing" firms and "e-lancing" laborers.[15]

In many ways, citizens as netizens are increasingly being re-imagined in economic terms: they are the wily operators who recognize these shifts, leverage every potential for greater political power, and imagine how any online opportunity might provide them with economic profit. Despite all the talk about the Internet now being used by "everyone," a recent US Department of Commerce report found that only 32.7% of all Americans are Internet users.[16] Moreover, the online *bourgeois* of digital bits allegedly will have interests, capabilities, and goals antithetical to those commonly held by the offline *citoyen* of material cities. Indeed, the variable geometries of indefinite boundaries, open architectures, and unfixed locations in the vast online "netropolis" of "virtual life" starkly contradict the fixed grids of definite boundaries, closed communities, and inflexible locations offline in every "metropolis" out in "real life."[17]

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15. See Steven Jones, ed., *Cybersociety: Computer Mediated Communication* (London: Sage); and Shoshana Zuboff, *The Age of the Smart Machine* (New York: Basic Books, 1988).

16. NTIA, "Americans in the Information Age," *op. cit.*, p. 2.

17. As Gergen put it, at the busy intersections of networked place and connectivity space, the "range of social participation is expanding exponentially. As we absorb the views, values, and visions of others, and live out the multiple plots in which we are enmeshed, we enter a postmodern consciousness." Kenneth Gergen, *The Saturated Self: Dilemmas of Identity in Contemporary Life* (New York: Basic Books, 1991), pp. 15-16.

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Whether or not these e-haviors are postmodern is unclear, but the more sharply bounded personal identities and clearly bordered social communities of territorial citizenship, as they have been understood in the past, are now deeply in doubt online. The multimedia of the digital domain bring a functional bias toward decentered and fragmented identities, "and away from modern conceptions of the autonomous sovereign individual," because cyberspace generates "a plurality of 'worlds' and multiple 'realities,' each of which is contingent on social constructions, or 'language-games' that constitute and orient the field of experience."[18] Offline nationality as a focus of identity is not going away, especially for the immobile, pre-informational, poor. Yet, online nodality may be arriving, particularly for the relatively mobile, informational, and rich. Here is where new community-busting e-haviors enter the stage: "the rise of cyberspace is the apotheosis of the ideal (if it is an ideal) of individualized experience . . . the appeal of the cyberspace is to autonomy: we can choose our own experiences."[19]

By sliding into this digital world, everyone is told they will be remade by globalizing/networking/computing practices. Rhetorics of life online promise everyone a more modernized mode of living beyond ordinary politics: "Welcome to the 21st century. You are a netizen, or a Net Citizen, and you exist as a citizen of the world thanks to the global connectivity that the Net makes possible. You consider everyone as your compatriot. You physically live in one country but you are in contact with much of the world via the global computer network . . . We are seeing a revitalization of society. The frameworks are being redesigned from the bottom up. A new more democratic world is becoming possible."[20] These visions of autonomy on the Net are what most netizenship rhetorics put forward: citizens of the world, not single nations; everyone is a compatriot, nobody is a foe; physical residents of one place, virtual fraternity in all places; not cultural paralysis, social revitalization everywhere; more democracy becomes possible, new tyranny is unlikely. Some celebrate this borderless world, others see it as a creative chaos, but it clearly challenges the popular communitarian understanding of living in one place

18. Ronald J. Deibert, *Parchment, Printing, and Hypermedia: Communication in World Order Transformation* (New York: Columbia University Press, 1997), 187.

19. Stephen Carver, *Civility: Manners, Morals, and the Etiquette Democracy* (New York: Basic Books, 1998), p. 193.

20. Michael and Ronda Hauben, *Netizens: On the History and Impact of Usenet and the Internet* (Los Alamos, CA: IEEE Computer Society Press, 1997), p. 204.

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with others.[21] For communitarian movements, the older embedded identities of living as territorial beings at physical sites will be tested by the newer user identities from networked nodes, inasmuch as online life might bring a cosmopolitanism to isolated localities that otherwise would be missing.

This transformation is sparking a great deal of exuberant optimism. Thus, a recent Yankee Group Research report put a rosy spin on this change, finding that way over one out of every three US households will be online by 2000, and two-thirds by 2004. With close to 20% of US PC sales below $600, many households are making the transition to the Internet. Consequently, the Yankee Group also predicted that from 1999 to 2004 US consumers will be spending $56 billion on Internet access services.[22] These changes point toward how everyone will be "taking things at their interface value," because "people are increasingly comfortable with substituting representations of reality for the real."[23] Therefore, the on-line emulations of community, which are generated from computer-mediated communications, mean that, if they work, programs are treated as social actors. If people treat computers as people, then many of those things and people once regarded as having fixed boundaries and clear distinctions, will begin to blur. While not quite political entities, increasingly computer networks will be taken at their interface values as e-havioral containments of what is "the real" by most nodes in the network.[24]

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21. See Kenichi Ohmae, *The Borderless World: Power and Strategies in the Interlinked Economy* (New York: Harper and Row, 1990); Kevin Kelly, *Out of Control: The Rise of Neo-Biological Civilization* (Reading, MA: Addison-Wesley, 1994); and, Christopher Lasch, "The Revolt of the Elites: Have They Cancelled Their Allegiance to America?" in *Harper's* 289 (November), pp. 46-48.

22. *San Jose Mercury News* (March 26, 1999), pp. B1 and 5.

23. Sherry Turkle, *Life on the Screen: Identity in the Age of the Internet* (New York: Touchstone, 1997), p. 23.

24. While Turkle sees the Net as the perfect environment for gender-bending games, the commercialization of the WWW is giving the digital divide a very different look. Only 14% of households were online in 1996, 37% by 1998, 50% by 2000. See *The Wall Street Journal* (July 12, 1999), p. R6. Many ask "what is in it for me" when they contemplate buying computers or accessing the Internet, and big business is busy providing some answers: buying and selling almost anything. As more companies open for business online, turning the Net into a vast cybermall, all sorts of people show up. On the consumer side, about 25% of households with a net worth of $50,000 or less are online versus 48% of those with a net worth of $750,000 and up. Yet, 41% of poorer households have shopped and 38% have actually purchased something over the Net, which compares with the 46% of shoppers and 44% of buyers of the richest online households. Online consumer sales were $3 billion in 1997 and they should hit $12 million in 1999. On the business-to-business side, Internet sales were $18.5 billion in 1997, $43 billion in 1998, and hit more than $100 billion in 1999. See *The Wall Street Journal* (July 12, 1999), p. R6.

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On one level, it is clear that cost alone is not necessarily keeping many minority and poor households off the Internet.[25] Over 80% of all public libraries, and about 95% of schools were wired in 1999.[26] Yet, this sort of access is frequently rationed to users, available only on certain days, and schools do not know how to use computers effectively. Consequently, on another level, the Clinton-Gore administration continued to make connectivity a key theme in its vision for American citizenship in the 21st century. There are around 50 different big corporate and foundation outreach programs aimed at providing grants, training, and equipment to the underprivileged to spread technological literacy that many believe will erase the digital divide.[27] In many ways, the digital divide simply represents the outlines of a mature market. By 2000, "the low-hanging fruit of the retail computer market," or urban, college-educated households with $75,000+ annual income, has been picked, and the growth in computer sales and Internet adoption has fallen, as the only groups left are those with less discretionary income for such purchases: "computer manufacturers, software developers, ISPs, and content providers will now have to work to reach a new market."[28]

In this respect, cybercapitalists and telematic transnationals have behaved exactly as one would expect any commercial investor to behave, i.e., they continue underinvesting in regions where collective benefits for society will exceed their private returns, because these businesses individually will not enjoy all or even many of the benefits. Like those in the analog world of atoms, there are digital divides in the world of bits, because private markets reward those who go where the action is. Governments can intervene to overcome these inequalities, but the culture of anti-statist commercial freebooting that has taken root so deeply around the world since the late 1970s makes such interventions very difficult to sustain. Consequently, corporate campaigns by AOL, Microsoft, Sun,

25. With $400 PCs, and net access for $20 to $35 a month, poor households could choose to get connected rather than to own a car, a color TV, or a VCR. A National Public Radio, Kaiser Family Foundation, and Harvard University study reinforced this fact in 2000. When researchers looked at households with less than $20,000 in annual income, almost a third had a computer. See Katie Hafner, "Hispanics are Narrowing the Digital Divide," in *The New York Times* (April 6, 2000).

26. *Roanoke Times* (February 17, 2000), p. A10.

27. See Bill Lawrence, "Internet Equality in Town and Country," in *USA Today* (April 27, 2000), p. 7A; and Eric A. Schlect, "The Delusion of the Digital Divide," in *Roanoke Times* (March 5, 2000), p. H3.

28. Jamal Le Blanc, "Demand Aggregation and the Digital Divide," in *The Digital Beat*, 1, No. 20 (December, 1999) [http://digitaldivide.network.org].

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IBM, and others to close the digital divide have not led to these concerned corporate citizens pushing to narrow, mollify, or end the educational divide, the medical divide, the housing divide, the capital divide or the power divide in society. Rather, corporate campaigns to vanquish the digital divide simply promote the multiplication of their profit, power, and prestige that getting more and more households online would entail.

Online Agency as Getting "Your:) Ware"

The rhetoric about the openness and equality of digital society, then, is rather cynical. To get to these telematic sites, read their content, and participate in online events, users can use public access terminals at local libraries or cybercafes. At home, however, they must invest $1,000 to $4,000 in a personal computer, network connections, and software. In addition, the user must maintain net connections, which cost anywhere from $20 to $100 a month plus telephone, hardwiring, or cable costs. Unfortunately, in the real world, more than 3 billion people live on less than $2 a day. There are high entry and maintenance costs in the form of machine ownership, network connectivity, software mastery, and sufficient time to develop any digital e-haviors. While the rhetoric recasts online organizations as returning to truly popular sovereignty, the reality is much darker: such entities can become the ultimate "gated community," which their creators, supporters, and users rarely underscore.

The core of American telecommunications policy is "the goal of 'universal service' — the idea that all Americans should have access to affordable telephone service" as measured by "telephone penetration," or "the percentage of all US households that have a telephone on-premises."[29] Nonetheless, many serious pockets of inequality remain. With 720,000 households, or over 3 million people, only 47% of all Native American homes have plain old telephone service.[30] Until this dial-up divide is bridged, the digital divide cannot begin to be crossed. The largest reservation, the Navaho Nation, has phones in only 20% of its households —

29. While the NTIA's 1994 study found that the poor in rural areas and central cities were among the least likely populations in terms of having home computers and Net connectivity, these groups were the most active users of on-line educational, employment, and government services. Telephone service, however, was high, even for the poor in central cities (79.8%) and rural areas (81.6%) of all households. See National Telecommunications and Information Administration (NTIA), *Falling Through the Net II: New Data on the Digital Divide* (Washington, D.C.: U.S. Department of Commerce, 1998). See also *http://www.ntia.doc.gov/ntiahome/net2/.*

30. Simon Romero, "Tribes Seeking Phone Systems As Steps to Web," in *The New York Times* (October 2, 2000), p. A25.

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even after the longest economic boom in American history. These inequalities are partly a function of sparse population on many reservations, tribal governments' ineffectiveness, federal neglect, and deep-seated poverty.[31] "A government by the entire citizenry, electronically assembled," assumes everyone is equipped, able, and ready to function electronically, when only 60% of all US households own PCs, barely 50% have Internet access anywhere, less than 40% have good Internet access at home, and fewer than 5% enjoy high speed/high-bandwidth connectivity. In the long run, utopian pronouncements about the "death of distance" could turn out to be true.[32] At this time, however, connectivity is not evenly distributed, easily accessible, or effortlessly installed. Instead, many deep digital divides separate areas with cheap, reliable, and flexible connectivity from those with expensive, unflexible, slow, and inflexible connectivity options, not to mention many places with no connectivity whatsoever. Again, in the nation's largest Indian reservation, out of the Navajo nation's 37,000 occupied structures, only 9% have electricity.[33]

In April 2000, President Clinton barnstormed across the US, using the rural South, Indian reservations, and inner city Los Angeles to tout the merits of Internet connectivity.[34] That is because digital demographic signs are becoming indicators of today's "winner take all" society, and the hyperindividuation that goes with it. Through the pull of browsers, one can build a custom personal pastiche of fragments from the public sphere in which Yahoo, AOL, Netscape or *The Wall Street Journal* will connect anyone with only pre-selected information. Whereas nations may still mandate

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31. Average Indian houeshold income is just over $30,000 a year, while average white household income is more than $44,000 annually. Indian incomes also are less than Hispanic-Americans and Asian-Americans; only African Americans are more disadvantaged. See Steven A. Holmes, "Income Up and Poverty Down, Data Show," in *The New York Times* (September 27, 2000), p. A12.

32. Francis Cairncross, *The Death of Distance*: *How the Communications Revolution Will Change Our Lives* (Boston: Harvard Business School, 1997).

33. Michelle Rushlo, "Navajos Plug Into Solar Power," in *The Washington Post* (July 10, 2000), p. A6.

34. In Whiteville, North Carolina, he praised a pledge by Bell South, Sprint, and GTE "to provide high-speed, affordable Internet access to all of the state's businesses and citizens within three years." See Charles Babbington, "On the Road, Clinton Successes Rural Internet Access," in *The Washington Post* (April 27,2000), p. A10. High-speed net access in Whiteville and surrounding Columbus County costs $21,000 a year, but it is only $3,000 in the state capital, Raleigh. Even those high differential costs can be charged only where there are existing connections. Fewer than 5% of towns under 10,000 in population now have cable modem or digital subscriber line access compared with 65% or 50% of cities with 100,000 people or more. *USA Today* (April 26, 2000), p. 16A.

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collective modes of civic behavior, network nodes can accept more easily an individual who operates "as *actor, designer, juggler* and *stage director* of his own biography, identity, social networks, commitments and convictions. Put in plain terms, 'individualization' means the disintegration of the certainties of industrial society as well as the compulsion to find and invent new certainties for oneself and others without them."[35]

In many ways, informationalization easily allows one to cut loose from the standard biographies of older industrial societies and to chose a new biography, whose history is fabricated out of bits in online flows of information and images: "people are *condemned* to individualization. . . . whatever a man or woman was and is, whatever he or she thinks or does, constitutes the *individuality* of that particular person."[36] In January 2000, the Digital Divide Network featured comments by Jorge Reina Schement, who claimed online communication should rebuild society around such individuals, because it would be the new National Information Infrastructure able to recreate "the weave that holds us together."[37] The presumption of an extreme individualism in online e-havior is one of the most deeply embedded features of this new culture. At the cybernetic interface, personal workstations, mainframe accounts, and network addresses all individuate online interactions, and these realities are reflected back in everyday rhetorics of netizenship. Compaq sells itself as a new economy of scope standing by on-line 7x24x52, waiting to fill each individual's "custom-built" machine order. Compaq promises: "Get the technology YOU WANT any way you want TO GET IT."[38] Gateway matches Compaq's pledge to individuals with its even more comprehensive "Your:)Ware" packaged suite of computer products, ranging from custom-made machines and software bundles to guaranteed trade-up programs.[39] PeopleSoft realizes individuals must construct their own private enterprises, capital assets, and business communities, and now do it increasingly online. Hence, it promises them continuous rationalization support for "your supply chain," because it is PeopleSoft's promise: "We work in your world."™[40] As these individualized appeals suggest, netizens will do much more that merely pre-select those media services they want to consume. As Carter notes: "In the online

35. Ulrich Beck, *The Reinvention of Politics* (Oxford: Policy Press, 1997), p. 95.
36. *Ibid.*, p. 96.
37. See Jorge Reina Schment, "The Digital Divide," in *The Digital Divide* 2, No.1 (January 2000) [http://www.digitaldividenetwork.org].
38. *Business Week* (August 10, 1998), p. 14.
39. See *http://www.gateway.com.*
40. *Business Week* (June 22, 1998), p. 83.

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world, users may tailor not only facts but entire communities to fit their preferences"[41] in the digital divides of cyberspace.

This waning stability of uniform national identities defined by place is captured by Turkle's endorsement of pluralized nodal identities online: "Every era constructs its own metaphors for psychological well-being. Not so long ago, stability was socially valued and culturally reinforced. Rigid gender roles, repetitive labor, the expectation of being in one kind of job or remaining in one town over a lifetime, all of these made consistency central to definitions of health. But these stable social worlds have broken down. In our time, health is described in terms of fluidity rather than stability. What matters most now is the ability to adapt and change — to new jobs, new career directions, new gender roles, new technologies."[42]

Virtual communities anchored to the e-haviors of online interaction give Turkle a new normalizing regimen to enforce such normative expectations. Stable points of subjectivity in the offline *Lebenswelt* are remixed as fluidized objects of ones-and-zeros in the online *Netzwelt*. Most of these e-havioral traces are signs of nodality reshaping territory, identity, and power: "There is no horizon on the Net, only expansions and contractions, and our relationship to it begins a formidable expansion of psychological size. The loss of a clear sense of boundaries, the expansion of our mental frameworks by satellite, the on-line redistribution of our powers of action, all of these add up to a confused body image. We can't be absolutely sure anymore where we begin and where we end."[43] The recalibration of social normalization to fit the flexibility and plurality of networks moves Turkle to celebrate these e-haviors "as a space for growth."[44] Like Robert Jay Lifton, she recognizes the worth of a "protean self" for avoiding either "a dogmatic insistence on unity" or a "return to systems of belief, such as religious fundamentalism, that enforce conformity."[45] Popularizing these new online e-haviors, however, fosters less face-to-face contact with others, causing lonely crowds to form in cyberspace.[46] Looking at the bright side of this, Turkle finds a new bottomline for online e-havior: "You can have a sense of self without being one self."[47]

41. Carver, *Civility*, *op. cit.* p. 195.
42. Turkle, *Life on the Screen*, *op. cit.* p. 255.
43. Derrick De Kerckhove, *Connected Intelligence: The Approval of Web Society* (Toronto: Somerville, 1998), p. 38.
44. Turkle, *Life on the Screen*, *op. cit.*, p. 255.
45. *Ibid.*, p. 258.
46. John Markoff, "A Newer, Lonelier Crowd Emerges in the Internet Study," in *The New York Times* (February 16, 2000), pp. A1 and 18.
47. Turkle, *Life on the Screen*, *op. cit.* p. 258.

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Cybercapitalists and Web Back Workers

A century ago, widespread motorization, whether through stationary electric units or gasoline powered automobiles, began to reorder the built environment, reconstitute industrial economies, reshape social mores, and rearrange social classes. One sees computerization doing much the same today.[48] The drift in the nation's industrial infrastructure has already shifted. More Americans make semiconductors than construction equipment, more work in data processing than in petroleum refining, and more make computers than fabricate automobiles.[49] Old mass production industries are shedding workers, and with massive numbers of their working men and women going by the wayside, the economy is becoming more and more stratified.[50] Not surprisingly, celebrants of the virtual offices and factories are found mostly among the cosmopolitan cadres of world class corporate management. Digitalization greatly enhances the opportunities of capital to water down wages, speed up the line, or runaway with the shop, because the virtual workplace can seek and will find its optimal mix of the highest skill levels with the lowest wage costs out on the Net. The real pay-off for the Net is not in clicks-and-mortar book shopping at BarnesandNoble.com; instead, it arrives in the business-to-business efficiencies of virtual

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48. Lewis Mumford, *Technics and Civilization* (New York: Harcover Brave Jovanovich, 1963).

49. Don Tapscott, *The Digital Economy:Promise and Peril in the Age of Networked Intelligence* (New York: McGraw Hill, 1996), p. 9.

50. The "successful fifth," or top 20% of households, which Reich fills with symbolic analysts and Tapscott finds have a net worth of $180,000 or more, now control 80% of all wealth. See Robert Reich, *The Work of Nations: Preparing Ourselves for 21st Century Capitalism* (New York: Knopf, 1991), pp. 165-165; and Tapscott, *Digital Economy*, *op. cit.*, p. 33. These rates of concentration are accelerating, because Reich's "routine producers" and "in-person servers" often cannot make the informational transition across the digital divide. These digital divides are simply well-known social divisions tracked in new digital terms. They closely mirror existing contradictions in race, class, and gender inequality. Among white and black households earning over $75,000 a year, Internet use is 61% and 54%, but it falls to 17% and 8% respectively for white and black households making $15,000 to $35,000 a year. During 1994, 10% of black households owned a computer, while 27% of white households did. By 1998, these figures rose, but only 23% of black households versus 47% of white households owned a computer. Similarly, the single parent household often headed by a woman typically is half as likely to have Internet access if the family is white than a two-parent family, and the rates are much worse for minority single-parent households. See The *New York Times* (July 9, 1999), p. A12. All households with an income of $75,000 and up were more than 20 times as likely to have home Internet access than those making $15,000 or less. See *The Washington Post* (July 9, 1999), p. A20).

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commerce managed through new enterprise reintegration programs. Informatic supply-chain management, intelligent marketing software, and online labor auctions all point toward an environment that integrates the cheapest labor, best materials, and latest technology to create tremendous profits.[51]

The US loses jobs that should/could/would pay $30,000 per year, and these off-shore "web back" workers also remain at home covering a foreign transnational's operational overhead costs for their wages. This is not a uniquely American problem as Japanese and European companies adopt similar strategies.[52] This global problem also rebounds within single nations. In the 1950s, many cities and towns started to face "white flight" as residents physically left with their incomes to settle elsewhere. Now all cities and towns face "byte flight" as their residents' commerce flows everywhere, mostly unregulated and untaxed.[53] Thus, the provision of public goods will become much more difficult to sustain.

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51. Thurow's observations speak directly to the empty promises of equality in Gates' friction-free marketplace. "Economist Lester Thurow asks his audience in a recent speech to US business leaders, 'Who do you think has more high school graduates — the United States or China?' He relies: 'If you guess China, you're right — by a couple of hundred million. Now why hire a graduate in the US for $30,000 per year when I can get an equivalently educated person in China for $100 per month?' Many US businesses have already answered with a resounding, 'We don't'." See Tapscott, *Digital Economy*, *op. cit.*, p. 6: "Millions of so-called virtual aliens are clicking away on key boards in Shanghai, New Delhi, and Hong Kong — fully networked and employed as members of the US economy. Except that they don't pay US taxes or live in the United States."

52. Thus, Asea Brown Boveri pays German workers $30.33 an hour, and Polish workers $2.58 an hour. Since Polish workers also work 400 hours more a year than German ones, it is no surprise that ABB has added 21,150 positions in former Eastern Bloc countries as it has cut 40,000 jobs in North America and Western Europe. See Lester Thorow, *The Future of Capitalism* (New York: William Morrow and Company, 1996), p. 168. Of course, not all of these shifts are related directly to informationalization, but digital means of reorganizing production in new transnational work collectives has greatly accelerated even those changes that they do not cause.

53. As Andy Ross, owner of Cody's Books in Berkeley, complains about Seattle-based book retailer, Amazon.com, competing with him in California and not paying any sales taxes: "I think it's a national scandal. [Internet merchants, whose sales are not subject to sales tax] take money from communities, and what do they give back? The answer is zero. What's [Amazon] given back to Berkeley or any other community, with the possible exception of Seattle? Let's look at Berkeley — that's where I'm from. What does Cody's do? [A customer of] Cody's pays sales tax, which goes to roads and schools, which permit the state of California to develop a market that Amazon uses. Amazon gives nothing back. We currently have 100 people working for us. [Amazon] has zero from Berkeley. We pay property taxes, Amazon pays no property taxes [in Berkeley] . . . Amazon is the same as Barnes & Noble: Their business plan is for domination." See *The Wall Street Journal* (July 12, 1999), p. R46.

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Online workers are "a diverse group united by their use of state-of-the-art information technology to identify, process, and solve problems. They arguably are the creators, manipulators, and purveyors of the flows of information that makes up the postindustrial, postservice global economy."[54] At the same time, nearly one in five, or over 50 million Americans, are living in poverty, and according to 1992 figures over 40% of them live in inner cities.[55] In too many ways, digitalization is only providing an efficient means for virtualizing "the revolt of the elites."[56] This emergent bit-based community follows the severe restructuring of the atom-based environments and social institutions in America's once more equitable industrial society. The infamous "secure community" in high-end suburbia, with its own private schools, high walls, rent-a-cops, and restrictive covenants finds its secessionist logics being emulated in this online hollowing out of offline public spaces, as residents are now enabled to interact with one another mostly on the infobahn.

Focusing on the digital divide between different class, geographic, and racial groups on the side of personal computer ownership or net access turns this issue into a one-dimensional problem rooted in consumption.[57] Getting more computers to more people or wiring more neighborhoods allegedly will solve the problem. In fact, Forrester Research reported in 2000 that more Hispanic families (47%) had computers at home that whites (43%), and Asian Americans had the highest levels of home computer ownership (69%).[58] Overcoming these inequalities is precisely the sort of challenge that consumer society sets for itself to resolve in new movements for personal emancipation tied to more consumption. To keep consumer society rolling, this digital divide will be bridged. Unfortunately, the deeper digital divides on the side of production

54. Jeremy Rifkin, *The End of Work: The Decline of the Global Labor Force and the Dawn of the Post-Market Era* (New York: G.P. Putnam's and Sons, 1995), p. 174.

55. *Ibid.*, pp. 177 and 180.

56. Lasch, "Revolt of the Elites," *op. cit.*, pp. 46-48.

57. 27% of homes whose owners completed high school have PCs, while 63% of university educated households have them. 21% of households with incomes under $30,000 have computers, but 66% of those with an income over $70,000 have them. At the apex of society, those who are most likely members of the world class, the just-in-time elite, or the cosmopolitan professional-technical classes — making over $70,000 a year, having a $180,000 plus net worth, and owning nearly 7 of 10 homes equipped with computers — are dematerializing the once secure positions at the base of society still held by those who tend to be stuck-in-place — making $30,000 or less a year, having barely 2 in 10 households with computers, and dancing around daily to evade the next corporate restructuring caused by the digitalization of work. See Tapscott, *Digital Economy*, *op. cit.*, p. 34.

58. *USA Today* (April 26, 2000), p. 16A.

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that put $150,000 a year software developers to work around San Francisco Bay in San Mateo, Cupertino or Palo Alto writing new applications, and $10 an hour, 30 hour a week help desk operators to work in rural Kentucky, Tennessee or West Virginia will then be much more easily ignored.

The digital divide becomes even more startling if one looks at the production side of social inqualities. Women are 51% of the US population, but hold only around 20% of all technology jobs. Native Americans, Hispanics, and African-Americans are 25% of the US work force, but less than 7% of the computer and information technology workforce comes from these groups. Fewer than 6% of the nation's engineers come from these groups. So, it is not surprising that surveys of Silicon Valley executives show that 72% are white, 4% are Asian-American, 0.6% are black, and 0.0% are Hispanic.[59] The computer-related workforce in the US is just over 10 million, and around 1.6 million new workers will be needed in 2000-2001 for replacement and growth.[60] IBM, Oracle, AOL, Sun, Intel, and twenty other big information technology firms recently pledged $250 million to recruit and train more minorities into high-tech employment. Yet, most of these people will be drawn to jobs with lower wage and skill profiles in the areas of technical support, database maintenance, and web development.[61]

Conclusion

Those already online believe in the reality of "Computers Everywhere." They want to make this bold lie about ubiquitous computing, at least in the reality of consumption, absolutely true by bridging the digital divide.[62] These initiatives are meant to make society "increasingly aware of the pernicious effects of not having access to the Internet for e-commerce, civic engagement, and the like." So, in keeping with the well-meaning 19th century philanthropists, "many of these efforts, such as the Steve and Jean Case Foundation's Power Up and the Bill and Melinda Gates Foundation's Millenium Scholarship program, have increased the visibility of the digital divide in relation to youth, libraries, and minority populations."[63] From AT&T, Bell Atlantic, America Online to Gateway,

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59. Charles W. Holmes, "Minority Gap in High-Tech," in *Arizona Republic* (July 23, 2000) pp. D1 and 4.
60. *Arizona Republic* (July 23, 2000), p. EC 1.
61. Holmes, "Minority Gap," *op. cit.*, p. D4.
62. Cairncross, *Death of Distance*, *op. cit.*, pp. 1-6.
63. See *http://www.digitaldividenetwork.org*.

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Microsoft, and SBC, the corporate sector has targeted the digital divide as the main type of social inequality that they and the US government must work to end.[64] Of course, abolishing the digital divide will greatly increase their revenues as network service providers, software developers, and computer manufacturers. But this fact is not highlighted at public outreach sites such as *www.digitaldividenetwork.org*.

The unfocused and thus far ineffectual juridical proceedings against Microsoft underscore this reality. By and large, Microsoft's initiatives can be explained as rational behavior in the global marketplace, and counter measures by the Federal government are only now acknowledging the deeper realities of online enterprises, i.e., techno-economic action remains shielded from the demands of democratic legitimation by its own constitution. At the same time, however, it loses its non-political character. It is *neither politics nor non-politics*, but a third entity: economically guided action in pursuit of interests.[65]

On the Net, infinite numbers of economically guided actions pursue global, national, corporate, local, and personal interests. These techno-economic dynamics, ironically and simultaneously, shield it from democratic legitimation, disguise its non-political character, give it subpolitical powers, and accent its profit-seeking quality. Ultimately, the Net intensifies already existing social relations of inequality and domination to a new level. Beginning with its origins as a distributed system for sending messages between academic researchers, the Internet's instrumental qualities have reflected the social context within which it works. In the 1990s, it became a vast collection of communicative flotsam and jetsam as well as a new marketplace that works on demand for buying and selling 24x7. Even in this respect, it cannot substitute for face-to-face relations lived offline in particular localities. As such, it is not a viable substitute for community. In fact, it can undermine such lived communal relations by taking free time for web surfing, and by creating another lonely crowd wandering around in cyberspace. Who dominates whom, both from the inside as well as from the outside of which systems, are vital questions for any network's creators and designers.[66] The inequalities they create are new structures of power, status, and wealth, tacitly sustained by the rulings of their operating systems and implicitly

64. Lawrence, "Internet Equality," *op. cit.*, p. 7A.
65. See Ulrich Beck, *The Risk Society* (London: Sage, 1992), p. 222.
66. See David E. Nye, *Electrifying America: Social Meanings of a New Technology* (Cambridge, MA: MIT Press, 1990).

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safeguarding their originators' technics-bound authority.[67]

Technologies do not fall fully formed from the sky. They become ready for business by enrolling users and advocates in new social movements to promote their utility, tout their necessity, and herald their inevitability.[68] Thirty years ago, ARPANet went live, linking only a handful of university research centers. Twenty years ago, few believed every home should have a "personal computer." Now, most new automobiles sold in the US have more on-board computerization than did the Apollo moonshot spacecraft of 1970. In 2001-2002, many cars will have 24x7 connections to digital radio and the Net.[69] The technocultures of the 1970s confined the Net primarily to small conversations between defense labs, and home computing existed as little kits for electronics hobbyists. Other technologies sustained different cultures for processing words, exchanging texts, sending messages, copying images, playing games, generating sounds, sharing discourses. Moreover, all of those technics produced and then reproduced peculiar cultural communities around particular technological devices, which, in turn, often constitute today's social movements of resistance against the further spread of computer-mediated communication. Television, radio, cinema, and print all have fostered certain transnational/extrastatal/nonterritorial forms of community, but the national infrastructures constructed for their use coupled with existing linguistic barriers rarely tested citizenship in the ways that the Net can. However, informational technics have a deterritorializing quality that can redefine the acts and artifacts shared collectively in the life of specific human groups and communities.

These effects are largely negative, but they could be beneficial to communitarian interests by deprovincializing isolated localities, expanding some labor markets, and offering new kinds of competence to individuals. Cybercafes in the Peruvian hinterland and Brazilian slums are boosting tribal people's incomes and opening a world of information to the poor with free e-mail and access to computers.[70] Cosmopolitan alternatives to provincial culture can be counterposed to local practices online, and other communal alternatives working elsewhere in the world can

67. Timothy W. Luke, *Screens of Power: Ideology, Domination, and Resistance in Information Society* (Urbana: University of Illinois Press, 1989).

68. Michael Adas, *Machine as the Measure of Men: Sciences, Technology, and Ideology of Western Dominance* (Intica: Cornell University Press, 1989).

69. *Roanoke Times* (October 8, 2000), p. B4.

70. See Anthony Fiola and Stephen Buckley, "The Poor in Latin America Embrace Net's Promise," in *The Washington Post* (June 9, 2000), pp. A1 and 25-26.

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share their secrets more easily on the Net. Here, its instrumental qualities are key, because networks permit any and all contextual content to flow easily. Like the marketplaces it extends, these operational add-ons will have effects that cannot be predicted before they occur. Communitarians may be able to exploit them for local advantage.

Living in telematic societies organized around digital networks may require a new facility for coping with the many different language games, cultural conflicts, and political contradictions nested in new technocultures as everything becomes ones-and-zeros. Still, this struggle to reduce heterogeneous social, political, and cultural elements to fit the logics of technical performativity is only one more form that domination takes. On the Net, bits follow ". . . a logic which implies that their elements are commensurable and that the whole is determinable. They allocate lives for the growth of power. In matters of social justice and of scientific truth alike, the legitimation of that power is based on its optimizing the system's efficiency. The application of this criterion entails a certain level of terror, whether soft or hard: be operational (that is, commensurable) or disappear."[71]

Digital divides open where these operational conformities start and stop in economies all over the world. The politics of networked places and cultures in digital domains are shaped by the answers to one question: "who decides what knowledge is and who knows what needs to be decided? In the computer age, the question of knowledge is now more than ever a question of government."[72] Whose government, for whom, where, when, and how are all intriguing questions, and their answers are difficult. Power and knowledge mostly flow for the benefit of those few on the upside of the digital divide, as the raw edge of new inequalities trace who wins and loses out along the rippling flows of the Net. While some assert that there are no "haves" and "have-nots" in cyberspace, only the "have-nows" and "have-laters," not having computers and Net connections closely parallels not enjoying most other types of power, status, and wealth offline. Moreover, the many who do not have most other highly valued goods now are very unlikely to get them later, and this includes the computers and connectivity causing the digital divide to persist.

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71. Jean François Lyotard, *The Postmodern Condition: A Report on Knowledge* (Minneapolis: University of Minnesota Press, 1984), p. xxiv.
72. *Ibid.*, p. 9.

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The First Federalist: Johannes Althusius[1]

Alain de Benoist

Johannes Althusius (1557-1638) has been called "the most profound political thinker between Bodin and Hobbes."[2] By the 18th century, however, he rated only a few lines in Bayle's historical dictionary: "Althusius, German jurisconsult, famous at the end of the 16th century. He wrote a book on politics. Several other jurisconsults opposed him, because he argued that the sovereignty of the state belonged to the people. . . . In the two previous editions, I failed to mention that he was a Protestant, that, after having been a law professor at Herborn, he became a public trustee in Bremen, and that the Jesuits, in response to the *Anti-Coton*,[3] categorized him as a Protestant who spoke against royal power."[4] Edmond de Beauverger dedicated half a chapter to Althusius.[5] Frédéric Atger and, later, Victor Delbos, discussed him very briefly.[6] But the only substantial presentation of his ideas available in France is Pierre Mesnard's work on 16th century

1. Originally published in *Krisis* 22 (March 1999), pp. 2-34. Translated by Julia Kostova.

2. Carl Joachim Friedrich, "Introductory Remarks," in *Politica medhodice digesta of Johannes Althusius (Althaus)* (New York: Arno Press, 1979), p. xv.

3. A pamphlet published in 1610 attacking Pierre Coton (1564-1626).

4. Pierre Bayle, *Dictionnaire historique et critique*, 2nd ed., Vol. 1 (Amsterdam: P. Brunel, 1734), p. 245.

5. Edmond de Beauverger, *Tableau historique des progrès de la philosophie politique* (Paris: Leiber et Commelin, 1858), pp. 64-81.

6. Frédéric Atger, *Essai sur l'histoire des doctrines de contrat social* (Nîmes: F. Alcan, 1906), pp. 121-126.

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political philosophy.[7] In most history textbooks published after 1945, Althusius' name is marked only by its absence.[8]

Along with the Monarchomachists to whom he was close,[9] Althusius has been considered a subversive spirit since the early 17th century. This may help explain why he was forgotten until Otto von Gierke devoted a now famous book to him.[10] Thereafter, his influence began to grow, first in Germany, then in Holland, England, and the US. In 1932, Friedrich reedited the Latin text of most of the 1614 edition of *Politica methodice digesta,* in the course of which he researched Althusius' life and thought more thoroughly than had Gierke. Since then, much has been written on Althusius by, among others, Frederick S. Carney, Heinz Werner Antholz, John Neville Figgis, Erik Wolf, Ernst Reibstein, Dieter Wyduckel, Peter Jochen Winters, *et. al.* An Althusius bibliography published in the 1970s contains over 16,000 references.[11] An international symposium on Althusius was held June 12-16, 1984, and a Johannes-Althusius Society was established during the 1980s at the University of Dresden.[12] Yet,

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7. Pierre Mesnard, *L'essor de la philosophie politique au 16e siècle* (Paris: Boivin & Cie, 1936), pp. 567-616.

8. An exception is Jacques Dagory, *La politique d'Althusius* (Paris, 1963). Althusius is evoked equally by such authors as Pierre Jeannin, "Althusius," in Jean Touchard, ed., *Histoire des idées politiques*, Vol. 1 (Paris: PUF, 1959), pp. 293-298; Bernard Voyenne, *Histoire de l'idée fédéraliste*, Vol. 1: *Les Sources* (Nice: Presses d'Europe, 1976), pp. 93-111; Chantal Millon-Delsol, *Le principe de subsidiarité* (Paris: PUF, 1993), pp. 14-16; and Jean-Louis Clergerie, *Le principe de subsidiarité* (Paris: Ellipses, 1997), pp. 20-31. Jean Rouvier describes Althusius as "raging," and says he was the author of a "huge pedantic old book" *à la* "hollandaise and German sauce" (sic). See *Les grandes idées politiques. Des origines à J.J. Rousseau* (Bordas: Librairie Plon, 1973), pp. 280-281,

9. Mesnard presents Althusius as "the last of the Monarchomachists" in *L'essor de la philosophie politique au 16e siècle, op. cit.*, p. 325.

10. Otto von Gierke, *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien. Zugleich ein Beitrag zur Geschichte der Rechtssystematik* (Breslau: Koebner, 1880). Cf. also Otto von Gierke, *Political Theories of the Middle Ages* (Cambridge: Cambridge University Press, 1900). Gierke, a lawyer and legal historian (and, after 1871, a professor at the universities of Berlin, Breslau, and Heidelberg), was one of the main representatives of the Historical School of Law. Early in the 19th century, the Historical School championed the rediscovery of German law and medieval jurisdiction antedating Roman Law, which it considered to be one of the major sources of juridical principles adopted by the German Confederation. Gierke's works were involved in the secular quarrel between "Germanists" and "Romanists."

11. Dieter Wyduckel, Hans Ulrich Scupin, and Ulrich Scheuner, eds., *Althusius-Bibliographie. Bibliographie zur politischen Ideengeschichte und Staatslehre, zum Staatsrecht und zur Verfasungsgeschichte des 16. bis 18. Jahrunderts*, Vol. 2 (Berlin: Duncker & Humblot, 1973).

12. Dieter Wyduckel is chairman of the Johannes Althusius Society (Juristische Fakultat, Technische Universitat Dresden, Mommsenstrasse 13, D-01062 Dresden).

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with the exception of abridged translations of *Politica methodice digesta* in English and Italian, a complete translation of Althusius' major work has not appeared in any modern language.

I

Johannes Althusius (Johann Althaus) was born in 1557 into a modest family in Diedenshausen, a Calvinist region in Westphalia. In 1581, he was helped by a local count to study law, theology, and philosophy, first in Cologne, where he became familiar with Aristotle's ideas, then in Paris and Basel, where he lived with his life-long friend Johann Grynaeus, studied history and theology, and met the Protestant Monarchomachist François Hotman. In 1586, he received his law degree with a thesis on *De arte jurisprudentiae Romanae methodice digestae libri*, which was published the same year under the title *Juris romani libri duo,* and reprinted several times thereafter. He then relocated to Geneva, where he completed his studies in law and logic under Denis Godefroy, the renowned specialist in Roman law. He also became acquainted with the ideas of Calvin, who had lived in Geneva from 1536 to 1538, and from 1541 until his death in 1564.

After finishing his studies, in October 1594 Althusius was invited to the Protestant Academy of Herborn (founded two years earlier by Count Jean de Nassau), and became a member of the law faculty. For the next 17 years he also taught philosophy and theology. In 1597, he was appointed president of the College of Herborn, and became a member of the Nassau county council. During this period, he lived in Steinfurt, in Siegen (where he married), and in Heidelberg. In 1599-1600, he became president of the College of Siegen, and in 1602 president of the College of Herford. He vigorously defended university freedoms against infringements by the nobility and the clergy. In 1601, he published a work on morality, *Civilis conversationis libri duo*, and two years later *Politica methodice digesta*, which received immediate attention, but also generated criticism from theologians and Jesuits.

In 1603, the citizens of Emden chose Althusius to be a municipal trustee (*Ratssyndikus*), which marked a decisive turning point in his life. Having adopted Calvinism, and having been cited as the first German town to do so, Emden played a very important historical role. After Jean Laski was invited in 1542 to reorganize its religious life, Emden became a sort of Geneva of the North. Its strategic position, on the border with the German Empire and the united provinces (which, in 1579, became an

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independent state, but remained officially part of the Empire)[13] allowed for some freedom. A Protestant synod gathered in Emden in 1571, around which the Dutch (*belgici*) churches reunited the communities of eastern Frise and the lower Rhine. Another general synod of Reformed Westphalian and Rhinean Churches met in 1610, affirming the organic union of northern Calvinism. When they invited Althusius to implement his ideas, Emden's citizens were afraid of losing their autonomy. At the time, the reputation of the author of *Politica methodica digesta* had been established, not the least because Pastor Menno Alting's son Johann, a member of the city council (the so-called Council of Forty), had been Althusius' student in Herborn.

On July 19, 1604, Althusius signed a favorable contract with Emden's city council, and moved to that city after having been appointed a member of the Council of Forty. He soon became an outstanding citizen and a representative of the Council before the local Diet and the imperial court. He also assisted the mayor and the delegated council, which gave him quasi-diplomatic status while functioning as a private attorney. In 1615, he was relieved from his position as a trustee by the Council of Forty. Two years later, he was elected an elder and became a member of the local Consistory. Simultaneously, he published several editions of *Politica methodice digesta,* and in 1617 edited an important treaty (*Dicælogicæ*) in which he recorded and sought to unify all ancient and modern juridical codes known at the time.

A theoritician and a politician, Althusius actively participated in Emden's struggle against the Count of Frise, which allowed him to apply concretely his theories of autonomy and the freedom of "states." According to Gierke: "During the whole time of his mandate, he appeared to be the soul of town politics, fighting for the reformed faith, for franchises and municipal rights against suzerains and the nobility."[14] Mesnard adds: "He was the arbiter of the situation. In all the important conflicts between the town and the Church, his opinion was predominant, and he played as important a moral role in the life of the Geneva of the North, as did Calvin and Bèze in Geneva."[15] He died in Emden on August 12, 1638, at age 81.

13. On the history of the united provinces, see Albert Waddington, *La République des Provinces-Unies, la France et les Pays-Bas espagnols de 1630 à 1650*, 2 Vols. (Paris: G. Masson, 1895-97); and C. Wilson, *La République Hollandaise des Provinces-Unies* (Paris, 1978).

14. Gierke, *Johannes Althusius . . ., op. cit.*, p. 13.

15. Mesnard, *L'essor de la philosophie politique au 16e siècle, op. cit.*, p. 573.

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II

Published in 1603, *Politica methodice digesta*[16] is based on the systematic principles of Pierre de La Ramée,[17] which Althusius learned in Herborn. According to these principles, a concept first must be defined, then the subject must be organized logically, and finally developed in successive dichotomies. Wanting to shatter the scholastic verbalism and turgid style of the humanists, whose erudition often

16. *Politica. Methodice digesta et exemplis sacris et profanis illustrata, cui in fine adjuncta est oratio panecyrica* (= "Politics: A Digest of its Methods, Illustrated with Sacred and Secular Examples . . ."). The book was published originally in four consecutive editions, which resulted in doubling its size. The first edition (469 pp.) was published by Christophorus Corvinus in Herborn in 1603. A revised edition (715 pp.), with a modified title (*Politica. Methodice digesta atque exemplis sacris et profanis illustrata*) was published by Johannes Janssonius in Arnhem in 1610, and another by Johannes Radaeus the same year. A third revised edition (968 pp.), published by Christophorus Corvinus, appeared in Herborn in 1614, and was reprinted by Johannes Janssonius in Arnhem in 1617. The fourth edition (1003 pp.), published by Johannes Georgius Müderspachus and Christophorus Corvinus, appeared in Herborn in 1625, and was then reprinted in 1654, i.e., 16 years after Althusius' death. Modern authors usually quote the 3rd edition, which is considered definitive. This edition was reprinted by "Harvard Political Classics" as *Politica methodice digesta of Johannes Althusius (Althaus)* (Cambridge: Harvard University Press, 1932); again, with a long introduction by Carl Joachim Friedrich, including the 1603 preface and 21 of Althusius' unedited letters (New York: Arno Press, 1979), and then in Germany (Aalen: Scientia, 1981). An abbreviated translation of this same 1614 edition was published as *The Politics of Johannes Althusius,* with the prefaces of the first and third editions, translation and presentation by Frederick S. Carney, preface by Carl Joachim Friedrich (London: Eyre & Spottiswoode); and again, with a preface by Daniel J. Elazar, *Politica. An Abridged Translation of "Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples"* (Indianapolis: Liberty Fund, 1995). There is one more partial translation of the 1614 edition in English by P. Stanley Parry, who wrote his doctoral thesis on Althusius in 1954, which was never published. Only the 1603 preface and short excerpts of the first edition are available in German. See Erik Wolf, *Grundbegriffe der Politik. Aus "Politica methodice digesta," 1603* (Frankfurt/M: Vittorio Klostermann 1943). At the initiative of the Johannes Althusius Society however, a full translation is being prepared. There is an abridged Italian translation as well: *Politica*, ed. by Demetrio Neri (Naples: Guida, 1981). Althusius' study of Roman jurisprudence, *Juris romani libri duo*, published initially in Basel in 1586, was reedited in 1588 with corrections and notes added (*Jurisprudentia omana, vel potius, uris romani ars*), in 1589 (*Jurisprudentiæ romanæ libri duo*), and consecutively in 1592, 1599, 1607 and 1623 as *Jurisprudentiae romanae methodice digestae libri duo*. The compilation of the laws of all countries, published by Althusius in 1617 in Herborn (*Dicœlogicae. Libri tres. Totum et universum ius, quo utimur, methodice complectantes*) was edited in 1649 in Frankfurt/M, a modern revision of which has been published (Aalen: Scientia, 1967). Another book, *Civilis conversationis libri duo*, which appeared first in 1601 in Hanau, was reedited in 1611, and then in 1650 in Amsterdam under the title *Ethicus Althusianus. Hoc est libri duo de civili conversationes*. Other works by Althusius include: *Centuria conclusionum de pignoribus et hypothecis* (Herborn, 1591), *De injuriis et famosis libellis* (Basel, 1601), and *Tractatus de pœnis, de rebus fungilibus ac de jure retentionis* (Kassel, 1611).

17. Pierre de La Ramée or Ramus (1515-1571), author of *Scholarum mathematicorum libri unus et triginta* (1569), was the first professor of mathematics at the Royal College of Paris (the future College of France). A convert to the reformed church, he was killed in the Saint Bartholomew's Massacre because of his hatred of the scholastic tradition.

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concealed lack of depth, Althusius made politics the fundamental concept of his entire theoretical construction, and proceeded accordingly.[18] Althusius defined politics as "the art of establishing, cultivating, and conserving among men the necessary, essential, and homogeneous conditions of social life." Maintenance of social life, called "symbiosis," is the object of political science or "symbiotics."

Althusius attempts to demonstrate that, despite its intimate relation to theology, logic, morality, and jurisprudence, "symbiotics" should be viewed as an autonomous discipline. Because of Erasmus, Jean Bodin and his closest disciple, Gregory of Toulouse, Althusius bemoans the fact that this field has been invaded by philosophers, jurisconsults, and theologicians, and pleads for a "new politics, free of any elements from other disciplines, but embracing them all."[19] Friedrich writes: "Althusius' systematic rigor did not allow him to rest content with the then-prevailing notion of a law of nature as the foundation for the state. What should a theorist make of the Christian notion of natural law, which comprised the pure natural law of the primitive state of man, the relative natural law of the state of sin, the positive law with its atrocious injustices, and the theocratic power that can provide true grace?"[20] By evaluating what might be called the soul of a political community, and thus the source of all its constituent organizations, Althusius clarified the study of sovereignty (*majestas*) as perceived by jurists. According to him, the essence of politics is very specific, which allows it to be independent of law, philosophy, and even theology. Obviously, politics is decisive. But the object of politics is larger for Althusius than it was for his predecessors. In modern terms, his politics is derived from the concept of the social. It is a sort of sociology, even economy (in the Aristotelian sense of the term). Its objective is to study all groups, natural and social, from the standpoint of a general physiological community, allowing the possibility to identify the

18. La Ramée specifically distinguishes between a "law of justice" (*lex justitiae*), which allows the exclusion of any consideration not pertinent to the subject, a "law of truth" (*lex veritatis*), which aims to clarify universally necessary propositions, and a "law of wisdom" (*lex sapientiae*), according to which each proposition must be considered in terms of the general category to which it belongs.

19. Mesnard, *L'essor de la philosophie politique au 16e siècle*, *op. cit.*, p. 575.

20. Friedrich, "The Life and Environment of Johannes Althusius," in Preface to *Politica Methodice Digesta of Johannes Althusius (Althaus), op. cit.*, p. LXVI. On Friedrich's classic study of totalitarian regimes (co-authored with Zbigniew Brzezinski), cf. Hans J. Lietzmann, "Carl Joachim Friedrich und Johannes Althusius," in *Politikwissenschaft im "Zeitalter der Diktatur." Die Entwicklung der Totalitarismustheorie Carl Joachim Friedrichs* (Opladen: Leske und Budrich, 1999), pp. 51-54.

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primary properties and essential laws of its association. Its goal is the conservation of social life, which means that it is no longer only a result or a consequence of the state, but also concerns all groups participating in this social life.

Althusius rejects the idea that individuals are self-sufficient or have rights derived from an abstract nature. Following Aristotle, according to whom "the isolated individual cannot be self-sufficient,"[21] he claims that being human is a function of belonging to one or more interdependent communities: "The longer an individual lives isolated, the more impossible it becomes for him to settle and live honestly . . . . And since the remedy seems to be in symbiotic life, he is driven and almost forced to embrace it. . . . If he wants to live in a simple manner, it is the latter [symbiotic life] that will require him to utilize all of his virtues, which remain inactive outside of this union." For Althusius, "more than for Aristotle, man is a social animal, and the symbiotic life is for him so natural that without it he could not realize himself. . . . Thus, this is not free choice, but an *absolute necessity*, which pushes the individual toward the vital core that gives him more than social life: life *tout court*."[22]

Obviously, Althusius returned to ancient and medieval traditions, according to which man is a social being who derives his proper nature within an ordained world. A people is not simply a group of individuals, but a moral, juridical, and political person. Thus, Althusius strongly opposed nominalism, a precursor of liberalism, according to which there is nothing ontologically real outside the lone individual. He also opposed modern natural law, which insists (given the influence of Christianity and Stoicism) that the basic principles of society and state are deduced from properties inherent to a self-sufficient man, without any particular social or political bonds. Consequently, the state of nature is logically primary with respect to social or political life, and like its model, the individual, the political state is self-sufficient. Thus, social order relies on nothing more than the arbitrary postulate of the identity or convergence of particular "natural" interests.[23]

Following Cicero, Althusius finds the source of all cooperation in

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21. Aristotle, "Politics," tr. by Benjamin Jowett, in *The Basic Works of Aristotle*, ed. with an introduction by Richard McKeon (New York: Random House, 1941), Bk I: Ch. 2, 1253a, p. 1130.

22. Menard, *L'essor de la philosophie politique au 16e siècle, op. cit.*, p. 579.

23. Cf. Louis Dumont, *Essais sur l'individualisme. Une perspective anthropologique sur l'ideologie moderne* (Paris: Edition de Seuil, 1983), pp. 80-85.

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man's social nature and in his need for a broader life. For him, society is sociologically prior to its individual members. Thus, the fundamental notion to which he keeps returning is the "symbiotic community" (*consociato symbiotica*), i.e., an organic group composed of social beings. The principle of "symbiotic community" is the organic social union. No man can live isolated; everyone belongs to one or more of these organic unions, and this belonging defines each as "fellows" or "symbionts" (*symbiotici*), i.e., as participants in a common life. Society is composed of groups attached to one another. Each of these groups responds to needs that cannot be satisfied in its own immediate sphere, and does so in a manner that brings not only greater utility, but also growth, i.e., a higher quality of life. The symbiotic association does not respond to a collective desire or need; rather, it is defined by a particular quality of life, characterized by justice and pity, without which no individual or collective existence can be sustained.

A symbiotic relation is established between those who have the same needs, and who find themselves in neighborhoods of all sorts. This relation cannot be considered voluntary or the result of a rational choice. Rather, it constitutes a reality derived from the social character of human existence: the communion of symbionts, which is why Althusius employs such terms as *communio*, *consociato,* or even *mutua communicatio*. Communication (*communicatio*) refers to common collectivization, and to the mutual exercise of the "organic link of civil life" (which Durkheim would call "social density"). It is a progressive socialization of community elements, and is characterized by increasing participation in common life, as well as by exchange of goods and services, and by the collectivization of some of them. In this respect, Althusius distinguishes between the communication of goods (*communicatio rerum*), i.e., the gathering and allocating of common resources for the good of the state, the communication of functions (*communicatio operum*), i.e., the organization and allocation of work according to individual capacities, and the communication of law (*communicatio juris*), i.e., the establishment of statutes of common life and norms of cooperation. Communication is common to all associations, partly specific to each type of association, and partly specific to each association. Althusius emphasizes that communication clearly implies the necessary authority to apply it.

Given the principle of communication, society and state are constructed through a series of successive pacts, formulated by people whose social instincts, translating the divine will, pushes them into

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association with other people like themselves. Althusius distinguishes between "social pacts," which guarantee the autonomy of different communities, and "pacts of subjugation," which aim at organizing them hierarchically. Social pacts are political contracts: "Here, the social contract does not mean anything, because society, understood in the sense of links and relationships exists by nature."[24] Pacts of subjugation are conditional, and the dialectic between the two types of pacts prevents pacts of subjugation from being transformed from an inferior to a superior level: "Thus, interference is circumscribed by law, because it must remain partial. Each part forms with others a larger part through a contract that is discussed rigidly and assorted legally, simultaneously protecting its domain of strict economy. It participates actively in the new power created above it. It watches it attentively. If necessary, it deposes it. . . . It ensues from the very existence of the parts. Because they need to be integrated into more powerful communities in order to promote their well-being, they all lose, because a superior instance wants to absorb them."[25]

In medieval thought, the principle of totality, according to which the individual is finalized to everything social before being finalized to himself, far from denying autonomy, in fact constitutes it as a privileged framework. Society, said to be holistic or organic, was composed of groups, not individuals, and these groups could not develop fully without being autonomous. In this respect, Althusius' originality consists in viewing society from below, in order to gradually reach the top. For him, society is constituted of associations and successive collectives, fitted together from the simplest to the more complex, the unity constituting what Gierke calls "the existential unity of a people." The state is defined as a real organic community, formed by many symbiotic "consociations," public or private, with two sets of agencies on each level, one representing the lower levels, which must retain as much power as possible, the other representing the higher levels, whose jurisdiction is limited by the lower levels. Thus, freedom within society does not emanate from the sovereignty of the higher levels, but from the autonomy of the lower levels. The articulation of and equilibrium between different levels is guaranteed by the principle of subsidiarity.

Althusius follows an order of growing complexity, whereby society is composed of different categories of symbiotic or organic communities. As

24. Millon-Delsol, *Le principe de subsidiarité*, *op.cit.*, p. 14.
25. *Ibid.*

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Gierke writes: "For each mode of grouping, he first attempts to determine the sphere of communication, whose subject is always an ensemble of associations, then he studies the government of each of the groups through their representatives and their leader,"[26] with the objective of identifying at each level the most favorable conditions for the formation of a collective sentiment whose fervor would produce social harmony (*concordia*), together with a spiritual and affective unity in action (*mutua confœderatio*). According to Althusius, "the harmony raises even the weakest fortunes, the disharmony dissipates even the strongest" (II, 9).

A basic division allows Althusius to distinguish between natural communities, such as families and servants, and voluntary and spontaneous communities, such as colleagues or companies, which are formed and maintained by the consent of the symbionts. Yet, he emphasizes that there is always an element of will in natural associations, of which marriage — the conjugal community — is the prototype, and that there is also an element of necessity in voluntary associations. Marriage requires the lasting consent of spouses, while in general voluntary associations do not dissolve until other structures evolve that appear to be better suited to their needs. This equilibrium between will and need is one of the key features of Althusius' associative theory. He attributes very important economic functions to families, in which he sees, not unreasonably, a basic reason for their existence. He also emphasizes the role of marriage in the formation of sociability, and the inclusion of a sentiment of sympathy that could be found later in other groups. Thereafter, he addresses collegial organizations (*collectio*, *conventus*, *collegium*, *consociatio collegarum*) that could also serve as guilds or corporations.

Collegial organizations are civil communities created for social, religious, educational, or commercial ends. Their members have common professions, interests, duties, activities, or tastes that are ordinarily the attributes of private cooperation. Secular collegial organizations are composed of magistrates, merchants, or peasants, whereas ecclesiastical collegial organizations are composed of jurists, professors, or religious people. Unlike families, these are not natural associations, but organizations that owe their existence to the voluntary association of their members, called "companions" or "associates." Consequently: "It is wrong to have in mind an arbitrary formation. Any collegial organization corresponds to man's natural needs, and, consequently, is contingent on recruitment and

26. Gierke, *Johannes Althusius . . . , op. cit.*, p. 21.

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its modalities; basically, it is no less necessary than a natural community: in the domain of social realities, pure artificiality cannot exist."[27]

At the core of such associations, communication is both pliant and extensive. Thus, in law, communication turns the collegial organization into a moral individual capable of expressing the unitary will and of possessing a true corporate autonomy, i.e., the power of jurisdiction over its members by virtue of obligations assumed voluntarily. In deliberations, the majority principle rules, which is natural in an atmosphere of collective sympathy. This is why, as Althusius says, "this mutual and reciprocal benevolence, this affection and charity between each other, this concord by which a group reaches a unanimous opinion without dissension, either positive or negative, for the common good," could be perfected (IV, 23). The members have a leader, whose main characteristic is to be superior to each and every individual member, while remaining subject to a collective collegial organization: "Superior to every member, he is inferior to the whole that he presides over, whose opinions are his obligation." This last point is essential: it encapsulates Althusius' entire theory on the subsidiarity of authority and sovereignty.

The first public communities, i.e., the first social and political groups formed by simple communities, appeared on the intermediate level. These public communities could be villages, parishes, towns, cities, or provinces. Althusius describes them as formed "by the coalescence, according to given laws, of several households or groups residing in the same country" (V, 8). Unlike in the case of private associations, one of their distinguishing characteristics was that their jurisdiction extended over a given territory. They were subject, however, to the same principles of communication and authority as private communities. Althusius breaks with the distinction between public and private, basic in Roman law, whereby contractual relations between individuals remain exclusively in the private sphere, while administrative and political relations belong exclusively to the public sphere. Althusius insists that all associations, whether public or private, have the same foundation in symbiotic life, the same source of legitimacy, and function according to the same rules.

Another important feature of public communities is civic autonomy (*politeuma*, *autarcheia*), which Althusius identifies as "the right of the members of public communities to possess and administer in common matters useful and necessary to their conservation and development" (V, 12).

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27. Mesnard, *L'essor de la philosophie politique au 16e siècle*, *op. cit.*, p. 584.

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Through this autonomy, members of public communities find themselves transformed into *citizens*. Althusius was one of the first to develop this idea into a comprehensive theory. Without regard to continuity, he describes the passage from household or village to citizen, from the social to the political: "The *political* plan is prepared over time by a regular social elaboration. The citizen is not one as an individual, but as a symbiont, having proved this in primary societies. The elements of civic organization are not individuals, but constituent communities: better yet, *one becomes a citizen not as a man, but as a member.*"[28] In Greek democracy, the individual did not have direct access to political life: he participated in public life as a member of a *genos*, of a family or a clan, and thus acquired the dignity of a citizen. Althusius retains this classical concept of citizenship and gives it a larger foundation.

As already seen, the rules governing public communities are the same as those prevailing in collegial organizations. The most important laws require the consent of the assembled citizens. Representation of the civic organization and ruling in its name is done by magistrates elected by the people, and can be revoked by them. This authority is higher than each citizen, but lower than that of the organization the citizens collectively constitute. Cities must be governed by a senate, led by an executive, who has authority over each association or citizen considered individually, but not over the unity of the organized community. Legal relations between civic associations and the magistrates are based on an oath of reciprocal loyalty and obedience to the laws of the city. Again on this level, the communication of law establishes and guarantees the autonomy of symbiotic communities. It also presupposes the communication of goods, which Althusius analyzes on the communal level, as well as in terms of the communication of functions. In terms of political life, this generates a division of labor based on general social solidarity, rather than on particular egoistic interests: "This is why a peasant requires the work of a locksmith; the worker, of an architect; the baker, of a shoemaker; the tailor, of a peasant" (VI, 32). The final objective is the expansion of sociality, which Althusius calls the communication of harmony (*communicatio concordiae*) or benevolence (*benevolentiae*). This is why he emphasizes that it stems from legal justice, i.e., from the equality that grants to everyone "the law, the freedom, and the honor due to his status" (VI, 47).

Althusius then turns his attention to the provinces, which are based

28. *Ibid.*, p. 586.

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on a coalescence of primary groups, communities, and cities, and simultaneously constitute political, religious, economic, and social units. He emphasizes particularly the importance of their social constituents: the provincial members are not juxtaposed geographical entities, like religious and secular "states," the former being organized in parishes and synods, the latter comprising knights, artisans, and peasants. The counts or heads of provinces enjoy sovereign power within their given domains. They administer public affairs, participate in the execution of laws, and, if necessary, invoke the authority of the state. As is well known, in 1512 the German Empire was divided into ten circles (Austria, Bavaria, Swabia, Franconia, Lower Rhine, Upper Rhine, Westphalia, Upper Saxony, Lower Saxony, and Burgundy), and there were frequent conflicts between the citizens and the empire's ruling families of counts, dukes, barons, and princes. In terms of political organization, Althusius unambiguously sought to reclaim municipal and provincial freedoms.

Finally, Althusius comes to the question of the state, which he speaks of in terms of a set of synonyms (*regnum, major consociatio, consociatio symbiotica universalis, respublica*), and which he describes mostly as a federation of cities and provinces that can federate and confederate with other states: "The members of the kingdom or of this integral symbiotic community are not, in our opinion, the individuals, the families, or the collegial groups, as in the case of particular private and public communities, but cities, provinces, and regions whose coalescence creates a unity by mutual conjunction and communication" (IX, 5). As for the "integral symbiotic community" or the "universal major community," which could be a kingdom (*regnum*) as well as a republic (*respublica*), the state is synonymous with the "right of majesty" (*jus majestatis*), i.e., sovereignty, which by nature does not recognize anything above itself, either a person or an association: "Majesty is the preeminent, supreme, and universal power to dispose over whatever is necessary for the spiritual and physical life of the members of the state or the republic" (IX, 26). But this sovereignty, which for Althusius is the "soul" of a political community (*spiritum vitae symbolicae inspirat*), and which he classifies as "necessary and homogeneous," is not absolute. Existing only as a result of organic cooperation of provinces or federated regions, which preserve a large part of their autonomy, the state consecrates new state laws, which establish cooperation and unity among the federated parties according to the principle ruling on lower levels: the state is superior to every province individually, but not to the entity they constitute

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collectively. Since subsidiarity is the rule within every province, the people's sovereignty obtains at a level higher than that of the state.

Althusius writes: "Contrary to the opinion common to jurisconsults, the right of majesty cannot be ceded, abandoned, or alienated by its proprietor. It is an indivisible, incommunicable, inalienable right, regardless of the length of its usurpation. It has been established by those who are part of the kingdom, by each of them. It originates from them; without them, it could neither be established nor be maintained." Thus, sovereignty can be defined as co-proprietorship by all the society members of the goods and the rights of the association. The sovereign is neither the proprietor nor the life-tenant, since sovereignty, in principle and in fact, belongs to the people represented by the collegial organization of the federated members. The sovereign is only the "dispenser, the administrator, or the proxy" of the laws of the association.[29]

Althusius refuses to elaborate on the state without taking society into consideration. As a federation of autonomous regions and communities, the state resembles a pyramidal hierarchy, on top of which is the prince: "The social link between the members of this political body [the state] is the agreement and the sworn faith between parties, i.e., the tacit or expressed promise issuing from a communication of goods and services, of aid, of adherence to the common law required for the utility and needs of integral social life" (IX, 7). While, for Hobbes, the individual is entirely alienated in favor of the state, for Althusius, organic communities never lose their power. Thus, the autonomy of associations poses an "insurmountable barrier" (Gierke) to state power, preventing it from infringing on each social group's specific rights. The prince is the *summus magistratus*, i.e., the magistrate of highest rank, but eventually it is the people who retain inalienable "majesty," i.e., sovereignty.

In order to explain his system, Althusius distinguishes between two classes of sovereign magistrates: princes, the supreme magistrates, and the "ephors," whom he describes as "censors of the supreme magistrates," as "the best of the state or the kingdom," or as "the official executors of the pact between the supreme magistrate and the people," who constitute a counterweight to the prince's power. They are a collegial organization of the kingdom's officers, individually subject to the prince, but collectively above him: "Taken individually, each is

29. Preface to the 1603 edition, in Friedrich, *Politica Methodice Digesta of Johannes Althusius (Althaus)*, *op. cit.*, pp. 3-6.

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nothing but an inferior magistrate, whereas united into a collegial entity they represent the people and speak on their behalf" (XVIII, 73). In describing their attributes, Althusius was obviously inspired by the role the seven prince-electors played in the German Empire. He says that the ephors are "those in whom the consent of the people constituted as a political body has confined the unity of the republic or the integral community, to represent it and to exercise the power of the people and their right to appoint the supreme magistrate to assist them and to oversee the community's affairs. . . . finally, to see that no harm comes to it from private conspiracies or owing to the supreme magistrate's failures or resignation." (XVIII, 48).

The ephors intervene in emergency situations and exceptional circumstances, which Althusius perceives to be perfectly natural. In case of a vacancy, they propose a new supreme magistrate. They defend him when he fulfills his obligations correctly, they see that he does not exceed his power, and, if he becomes a tyrant, they depose him with the power of the people. In the event of a deposition, of a tyranny of the minority, they alone exercise public power. Given that the ephors are mainly responsible for the federated provinces, the integration of provincial life into national life is greatly facilitated. "Between the king and the ephors, there is 'mutual censorship and supervision'," (XVIII, 91), bringing double profit to the kingdom because, "on the one hand, this guarantees the stability of its fundamental constitution, and, on the other, this facilitates participation of the provinces in the life of the state."[30]

The prince retains executive power. Since the rights of majesty belong to the entire community and are represented by the ephors, he exercises his sovereign power through delegation, on the basis of a reciprocal pact, of which he is considered to be the proxy, and the community to be the authority. His investiture constitutes election, and his inauguration his charge. He is elected by the college of ephors. Relative to them, he is in the same position as the count is on the provincial level relative to the "state." Throughout the ceremony of inauguration, he must subscribe to the "fundamental laws of the kingdom," as well as to all stipulations that they deem necessary, and he must take an oath of obedience. Althusius emphasizes that there is no distinction between election, which comes from the people, and constitution, which comes from God. Thus, he recovers the idea of consent, which jurists had considered essential since the 12th

30. Mesnard, *L'essor de la philosophie politique au 16e siècle, op. cit.*, p. 601.

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century ("*vox populi, vox Dei*"). This presupposes that the prince's sovereignty never absorbs the "immanent" juridical authority of the people. This is why the oath of obedience given to the citizens is always conditional: if the prince contravenes the duties he has assumed, this oath immediately lapses. Since citizens only cede part of their rights, as required by the communication of law, the right of resistance becomes an integral part of the juridico-political order, since it contributes to the support of the symbiotic community. "At the source of the supreme power, there is a bilateral contract. However, following the usual model of Althusius, this apparent reciprocity always gives superiority to the law of the group above its organization, to the state above its minister."[31] The principle of sovereignty is preserved, but is subordinated to associative consent.

Althusius adheres to the classic thesis of the Monarchomachists[32] concerning the people's sovereignty and its superiority *vis-à-vis* the prince. Monarchomachism considered Protestantism to be a support for the affirmation of the "superiority" of the community of believers over official authorities. Since sovereignty resides in the symbiotic body, the princes are no more than administrators. "They command in its name, and if they pretend to have a personal and absolute right, they are only impostors and tyrants, only simple private persons to whom obedience immediately ceases to be due."[33]

Althusius retained the distinction between the tyrant, usually considered to be the supreme magistrate (*tyrannus excercitio*), and one who was not (*tyrannus absque titulo*).[34] The latter, only an impostor, could be defeated and even killed by the people, whereas only the ephors could stand against the former, who gradually pursued his prerogatives to the point of tyranny. Althusius does not reproach the tyrant for violating

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31. *Ibid.*, p. 602.

32. In the 16th century, Monarchomachists led the struggle against princely absolutism in the name of a right of opposition, which could go as far as regicide. According to them, a solemn pact must link the people and the prince, who could not govern without the consent of his subjects. The rupture of this pact justified the citizens' revolt. The main representatives of this movement were Théodore de Bèze (1519-1605), François de Villiers Saint Paul, called Hotman or Hotemanus (1524-1590), author of *Franco-Gallia* (1573), and Philippe de Mornay, called Duplessis-Mornay (1549-1623). Cf. R. Treumann, *Die Monarchomachen. Eine Darstellung der revolutionären Staatslehren des XVI. Jahrhunderts* (Leipzig: Duncker & Humblot, 1895).

33. Mesnard, *L'essor de la philosophie politique au 16e siècle*, *op. cit.*, p. 599.

34. This distinction was established by the Italian jurisconsult Bartolo de Sassoferrato (1314-1357), whose influence was strong in Germany, but not in Italy or France, where it was combatted by the Historical School, represented most notably by Jacques Cujas.

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the rights of individuals, since what this means cannot be established precisely according to any theory of individual rights, but rather for his being by nature incapable of achieving the goals for which the people naturally were associated or chose to become associated. In this respect, he goes even further than the Monarchomachists, since he does not exclude the right of resistance, even to the point of complete secession: in case of a long-lasting tyranny, members of the symbiotic community could regain their freedom and reconstitute the failed pact, based either on a new autonomy or on federation with other provinces or existing states.

III

Althusius' theory of sovereignty is interesting, because it is based on the extension of a medieval concept of sovereign authority, defined as a higher authority, but not yet as an absolute authority detached from all obligations. Medieval society was not familiar with the idea of unlimited sovereignty. This sovereignty was always dependent on the common good, and it was precisely this common good, rather than the state's power or grandeur, that constituted the goal of power. Up to the 13th century, the king, representing the common good of his subjects, was called *sub lege*: he shared legislative power with the major feudal lords, without whose consent he could not govern. Similarly, on all social levels a "chain of duties" (Augustin Thierry) was formed by interlocking hierarchies: one who was obliged to a suzerain had the respect of a vassal, and borders fluctuated according to multiple allegiances. However, after the 11th century, notably in Bologna, a new concept of sovereignty emerged: that of a public person or a political body in possession of an unlimited "supreme power." This was the result of combining the juridical theory of the Roman corporation and the theology predicated on the Paulinian notion of a "mystic body," which describes the universality of the community of believers as a unique entity.

Initially, this new concept inspired papal absolutism, which was constituted by the transference of the Roman theory of universal and absolute jurisdiction (*plentitudo potestatis*), of proper imperial authority, to the Roman pontificate. At the time of Innocent III and Innocent IV, the papacy, engaged in a battle against the empire, proclaimed the strict subordination of terrestrial sovereignty to its own spiritual sovereignty. This claim, which ended the old ecclesiastical doctrine whereby *imperium* and *sacerdotium* were considered to be different spheres instituted by God, reached one of its most extreme formulations in 1302

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in Pope Boniface VIII's bull *Unam sanctam*. After the 13th century, this new concept of sovereignty became the major ideological reference of new territorial kingdoms, France in particular, which opposed the imperial idea that the king could not in any way consider himself superior to or refuse to obey any extraneous law.

The concept of "sovereignty" (a term originating in France in the 12th century, based on the Latin root *superanum*) allowed monarchs to declare their independence not only from the pope and the emperor, but also from the feudal lords. Basing themselves systematically on Roman law, the legists claimed that the sovereign, receiving his autonomy directly from God, was the sole master in his kingdom. Feudal legislative power lost its substance, while the king gradually became the only legislator. Finally, through the extension of royal administration, centralization of power, market formation, and the unification of law with the state and its indentification with a precise territory, sovereignty became associated with the state, which gradually reduced local autonomy. As Charles Loyseau put it in 1609: "Sovereignty is inseparable from the state, because sovereignty is what brings the state into being; *in concreto,* state and sovereignty are synonymous."[35] The result was the era of "individual states," whose principle was ratified by the treaties of Münster and Osnabruck (1648). A modern kingdom has nothing in common with royalty in the Middle Ages, as Tocqueville observed, but has other prerogatives. State administration now extends to all all features of local power.[36]

This absolute concept of sovereignty is what triumphed in Jean Bodin's *Six Books of the Commonweale*, first published in 1576, when Europe's stability was upset by religious wars. Bodin writes: "If there be two princes equall in power, one of them hath not the power to command the other. . . . The laws of the prince are not dependant because they are pure and frankly voluntary."[37]

The Latin word Bodin uses to define sovereignty is *majestas*, and his book opens with the following words: "Commonweale is a lawfull

35. Charles Loyseau, *Traicté des seignevries* (Paris: chez Abell'Angelier, 1609), Ch. XIII.

36. Alexis de Tocqueville, *The Old Régime and the French Revolution*, tr. by Stuart Gilbert (Garden City, NY: Doubleday Anchor Books, 1955), Part II, Chapter 2.

37. Jean Bodin, *The Six Bookes of a Commonweale*, A facsimile reprint of the English translation of 1606, corrected and supplemented in the light of a new comparison with the French and Latin texts, edited with an introduction by Kenneth Douglas McRae (Cambridge: Harvard University Press, 1962), The Second Booke, Ch. II, pp. 197f.

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government of many families, and of that which unto them in common belongeth, with a *puissant soveraigntie.*" Extending the thought of French legists, Jean Bodin's political doctrine is founded on the concept of indivisible sovereignty and on legislative power as a dominant principle. Given the state's centrality, it is the source of all other authority. Yet, Bodin recognizes the importance of intermediary bodies, of families and "partial" societies. But he claims that they should not infringe on the powers of the prince, who is sovereign by divine law and is the pinnacle of a society conceived as a pyramid. Thus, sovereignty is defined as the "absolute and perpetual power of a republic," i.e., as unlimited power: having no rival in the political and social order; in reality, power is exercised by the prince, who is the sole interpreter of divine right and natural law. Of course, he must respect *jus gentium* and the constitutional laws of the monarchy, but he is not subject to any human law, since he is accountable only to God, whose political "image" he represents on earth. In this respect, Bodin writes: "For as the great sovraigne God, cannot make another God equall unto himselfe, considering that he is of infinit power and greatness, and that there cannot bee two infinit things, as is by naturall demonstrations manifest: so also may wee say, that the prince whom we have set down as the image of God, cannot make a subject equall unto himselfe."[38]

Because of Bodin's definition of sovereignty, however, this limitation is purely theoretical. Freed from any human law, the sovereign can be only what he must be, since the power he enjoys excludes any individual or collective resistance. Thus, the law is nothing more than the prince's orders, since he is "not subject to any law." It is what pleases him: "to dispose of the goods and laws, and of all the state at his pleasure."[39] Sovereignty becomes the power to make laws without anybody's consent. It follows that the law does not need to be just in order to have the power of law. Thus, Bodin's concept of sovereignty opened the way to juridical positivism, which diminishes the legitimacy of simple legality. At the same time, the monarch found himself "divorced from the people." For Bodin, the sovereign is no longer part of the people. He is totally separate and rules society as God rules the cosmos. This division is not an existential condition, required by power, but an essential quality, which is part and parcel of the right to govern: the very essence of power resides in the sovereign's persona. As Jacques

38. *Ibid*, The First Booke, Ch. X, p. 155.
39. *Ibid*. The First Booke, Ch. VIII, p. 88

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Maritain put it: his independence and his power are not only supreme *with respect to* any other part of the political, as one among others; they are *absolutely* supreme, as if above all in question.[40]

Whereas, in medieval times, law was thought to stem from the very core of society, expressing the juridical reality of social roots in accord with a historical and ontological plan, for Bodin, law originates exclusively from the state. The latter becomes a monad, which finds within itself the reason for its existence, its liberty, and its ability to organize the social body. The state is a particular reality, which knows only a particular order, valid for all the inhabitants of a particular territory. Instead of issuing from the social order, the state constitutes it. It is an exclusive representation of the totality of the common life of a centralized and reified state, which is identified with the prince's persona: as Louis XIV would say, the French nation resides "entirely in the persona of the king."

As a "total" concept, Bodin's sovereignty not only provided the foundation for absolute monarchy: its essential traits were rediscovered in Jacobin nationalism, and modernity could not make it less abstract or impersonal. With Jacobinism, sovereignty was severed from natural law, and no longer was embodied in the king. Rather, it was transferred to the nation, i.e., a new embodiment of the "state persona." According to the 1791 constitution: "Since the nation exists, it is naturally sovereign." It is the same unlimited sovereignty, conferring the same despotic right to the power holders. As Tocqueville put it, the French Revolution created a multitude of secondary entities, but did not develop the main things that existed before it." In this respect, the way the modern nation-state has preserved Bodin's definition of sovereignty, while merely changing its bearer, is particularly revealing. As François Alexandrou notes: "Far from opposing the 1789 revolutionaries, the administrative centralization and standardization needed to create a large unitary state with higher power expressed their egalitarian ambitions and proved to be the state's theoretical expression."[41] Antoine Winckler adds: "The stage was set for centuries to come: monopoly of law, transparency of the social space to political power, total centralization of the exercise of power. . . . The sovereign sun suffers neither from local power, nor from sharing law with neighboring territorial regimes, nor from autonomous and spontaneous social organizations; and whether this sun becomes an

40. *L'Europe et l'idée fédérale* (Mame, 1993), p. 111.

41. Françoise Alexandrou, "Sovereignty," in Denis de Rougement and François Saint-Ouen, eds., *Dictionnaire international du fédéralisme* (Brussels: Bruylant, 1994), p. 149.

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absolute monarchy or a democratic republic changes nothing of this monistic concept of sovereignty and its central place in political theory."[42] One absolutism succeeded another.

Althusius' concept of sovereignty is the opposite of Bodin's.[43] In his system, the state is under the law, which emanates from the social dimension, which is why a sovereign or a magistrate cannot have absolute sovereignty. Thus, Althusius attributes to popular sovereignty all the qualities that Bodin used to attack in the Monarchomachists. "According to him, the principles of immorality, indivisibility, and cooperative obligation expressed in the concept of *universitas* reside inalienably in the community of the corporate people."[44] In the first edition of his book, Althusius wrote: "I gave politics the rights of majesty. But I attributed them to the kingdom, i.e., to the republic or the people. I know that, in the common opinion of scholars, these rights must be given to the prince or to the supreme magistrate. Bodin proclaims that they cannot be given to the kingdom or to the people without destroying them, by the mere fact that they are being communicated to the subjects or to the people. These rights are proper and essential to the persona of the prince and supreme magistrate; to the extent that they can neither exist nor reside outside it or in any other personae, they are part of it. I pay no heed to Bodin's outcries, nor to voices that do not agree with mine, because my opinions seem to me to be consistent with reason."

Attacking those who appealed to dictatorial Roman law to justify absolutism, claimimg that originally the dictator was accountable to the National Assembly, Althusius argued that Bodin's fundamental laws do not mean anything unless these laws emanate from the entire community. Like Bodin, Althusius developed the idea of a global society distinct from the state, since it is the state that forms the associated associations (*consociatio consociationum)*, but their views

42. Antoine Winckler, "Description d'une crise ou crise d'une description?" in *Le Débat* (November-December, 1995), p. 66.

43. Althusius' main adversary, however, was not Bodin, but the absolutist Guillaume Barclay, author of a violent attack on the Monarchomachists, *De regno et regalie potestae* (1600). Althusius' work, like Bodin's, provoked many comments in Germany. His most violent critic was Henning Arnisaeus, who denounced Althusius in *De auctoritate principum in populum semper involabili* (1611). Bartholomaeus Keckermann put forth an intermediary position between Althusius and Arnisaeus in his *Systema doctrinae politicae* (1607), and by Christoph Besold in *Politicorum libri duo* (1618).

44. J. H. M. Salmon, "L'héritage de Bodin: la réception de ses idées politiques en Angleterre et en Allemagne au XVIIe siècle," in Yves Charles Zarka, ed., *Jean Bodin. Nature, histoire, droit et politique* (Paris: PUF, 1996), p. 183.

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differ radically with respect to the definition of this state. While, for Bodin, the state is a personal attribute of the sovereign, with which he is identified and by means of which he expresses himself, for Althusius it is the "integral community," i.e., the sovereign people. "It is to this symbiotic community that this right [sovereignty] belongs: the people are its proprietor, the king merely its administrator. If the body of the state had the power to delegate the rights of majesty, it would not have the authority to divide those rights, even less to alienate them: it would be political suicide, which, besides destroying sovereignty, would also destroy the state. Therefore, there is no *personal* absolute power in a community."[45]

Althusius also disagrees with Bodin concerning the best form of government. While Bodin does not consider a mixed government, but rather speaks of the division of the state into factions, Althusius prefers a system of government "that combines the qualities of monarchy, aristocracy, and democracy." This option, however, does not play an important role in his political theory. In fact, he considered the distinction that Bodin makes between the state and the form of government or method of administration to be useless. Rejecting only anarchy and absolute monarchy, which in his mind were complementary, he considered all states to be popular and democratic, independent of their form of government, as long as the people retain sovereignty, which does not preclude states from also retaining a strong monarchical element.

For Althusius, differences of government are simply different modes of administration: if the supreme magistrate is a physical person, then the government is a monarchy, if the government is represented by a moral person, then it is a polyarchy, more or less democratic or aristocratic according to the extent to which the collegial body retains supreme autonomy. Althusius is careful to distinguish clearly among these different formulas, because he is aware of their advantages. His system could also be characterized as a "demo-aristocracy," founded at once on the autonomy of communities, the authority of the head and the popular sovereignty of the base, the unity of the social body and the free consent of its members. Taking into consideration the influence that his ideas had in northern Germany in the 17th century, in particular in the Hanseatic villages, it is not surprising that, in the context of the constitutional

45. Mesnard, *L'essor de la philosophie au 16e siècle, op. cit.*, pp. 595-596.

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debate in the 16th century, the corporations of Lubeck openly spoke of an aristocratic-democratic mixed republic.[46]

IV

Written in an unpolished style, with numerous repetitions and redundancies, *Politica methodice digesta* is an erudite work. In addition to classical authors, Althusius cites more than 150 works written in his own time.[47] These citations provide a precise idea of who influenced him the most, particularly the schools of Salamanca and Coimbra, which he knew from the works of the Jesuit Francisco Suarez (1548-1617). Althusius obviously draws inspiration from Calvin when he claims that each association must fulfill the functions assigned to it according to its abilities. However, he is totally opposed to the idea of natural law, which he considered unable to account for the organically structured character of human societies. This is even more evident when he presents his idea of the relation between politics and theology.

Far from preaching like Calvin or drawing on the Bible, which he quotes abundantly to illustrate the essential principles of his doctrine, he denies the dependence of science on theology, denounces all clerical censorship of his works, and defends the need to subordinate religious affairs to public control. Although the clergy "recognizes God sincerely and honors Him in private and in public throughout the whole state" (XXVIII, 15), it should be confined to the exercise of its ministry, and its power should not exceed censures and admonitions. Charity, which for Althusius is one of the postulates of social life, is a cut below the political. He is not far from launching the Lutheran idea of a state church subject to secular authority. The Biblical references throughout his text need not create an illusion. As Friedrich notes, "Whatever he has that is theological and Calvinistic, is superficial ornament, designed to legalize as Christian and protestant afterwards what he has arrived at by rational deductions. It

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46. Helmut G. Koenigsberger and Elisabeth Müller-Luckner, *Republiken und Republikanismus im Europa der frühen Neuzeit* (Munich: R. Oldenbourg, 1988), pp. 118-119.

47. Althusius cites Aristotle, Cicero, Calvin, and Jean Bodin, as well as Spanish Catholic theologians such as Fernando Vásquez, Diego Covarruvias, and Juan de Mariana, or Protestant theologians such as Junius Brutius, George Buchanan, and Lambert Daneau, but he also refers to Petrus Gregorius, Bartolo de Sassoferrato, Giovanni Botero, Justus Lipsius, Innocent Gentillet, Paul Castro, Francis Hotman, Charles Dumoulin, Theodor Zwinger, Jean Sleidan *et al.* Thomas Aquinas and Marsilius of Padua are cited only occasionally. Dante Alighieri, John Wycliff, Henry Bracton, and William of Occam are not mentioned. Machiavelli's most cited work is not *The Prince*, but *Discourses*.

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would be possible to eliminate the theological ideas and references and yet the system would remain."[48]

Gierke demonstrates the profound affinities between Althusius' political doctrine and traditional German law, full of provincial freedoms and privileges. In fact, it was with reference to old Germanic law predating the system of Roman law, which he studied in detail, that Althusius analyzed the freedoms that communities would enjoy. In his model, it is the medieval German corporations, above all the cooperative associations (*Genossenschaften*) predating the appearance of corporations, that were based on principles of commonality and indivisible property. What links them with members of a cooperative association is the common enjoyment of a law or a good.[49] Thus, the cooperative association constitutes a moral person, who responds directly to the will of its members, rather than an intervention, as in Roman law, which is subject to the bias of a plenipotentiary or a representative. Until the end of the Middle Ages, when its principles were transposed partially to corporations and guilds of artisans, the cooperative association played an essential role in the life of Germanic peoples. It gradually disappeared under the influence of the monarchical absolutism of a prince, and above all Roman law, which considers fictitious the juridical or moral personality of social units and associations.[50]

For Althusius, the people constitutes a cooperative association, whose members retain sovereignty in common. "Althusius' concept is explained precisely in the concept of common hands. It bases democracy on the model of moral personality and co-proprietorship of Germanic companies, just as the theoreticians of absolute monarchy based personal sovereignty on the model of physical personality and private property, taken directly from Roman law."[51] However, Althusius' theory is also influenced by the German Empire's principles and electoral customs. For instance, the college of ephors corresponds closely to the electoral Diet, where seven prince-electors were employed in discovering the will of the Empire, although this is also reminiscent

48. Friedrich, "Introductory Remarks," in *Politica medhodice digesta of Joannes Althusius (Althaus)*, *op. cit.*, p. XVIII.

49. The term *Genossenschaft,* derived from the Middle High-German word *genoz* (cf. the Dutch word *genoot*, or the old English word *geneat*) is semantically linked to the verb *geniessen*, meaning "to enjoy."

50. The principal reference work on *Genossenschaften* remains Otto von Gierke's monumental *Das deutsche Genossenschaften*, 4 Vols. (Berlin: Weidmann, 1898-1913).

51. Mesnard, *L'essor de la philosophie politique au 16e siècle*, *op. cit.*, p. 612.

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of ancient assemblies of heads of families and clans. The election of the sovereign by the college of ephors and the conditional character of solemn obedience by the subjects evoke the elective monarchy of ancient Germans.

Bodin defined the "German Empire" as an "aristocratic principality where the emperor is the head and premier: the power and majesty of the empire belong to the states" (II, V). For him, this meant that the empire was not a state. In fact, power in the German Empire was divided between the emperor and the "states," i.e., the cities and princes represented in the Reichstag. The empire is presented as an association of federated powers, based on a contract between the states and the emperor: the emperor had authority over each state taken individually, but not absolute sovereignty over the unity that they constituted collectively. "The imperial constitution is based on a spontaneous and pluralistic concept of law deriving from the territorial diversity at its base and from a unitary theory of Christianity founded on a common model — Roman law — and on a unique point of reference — a quasi-"notional" emperor. This vision of political space would be employed later by such conciliatory theoreticians as Nicholas of Cusa or Gerson, who defined Christianity (as it was in the Church or in imperial Europe) as the concordance of local associations, as a federation of corporations. Inside these corporations, on each level the rule of consent was fundamental. They referred to the proverb of the glossarists: "What concerns all must be approved by all," and applied the rule of vote on each level, if not to the majority, at least to "the best and most sane part" of the people, guaranteed by publicity and freedom of speech. Finally, the tradition of conciliarists mentions the idea that each level of association had its own dignity, independent and not derived from the one above, since this was the expression of the consent of local or special 'education'."[52] This construction reactivates the central role of autonomy as "law without the state."[53] The empire constitutes a world of entangled autonomies. "Autonomy" is frequently called *perfectio*, which conveys the meaning.

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52. Winckler, "Description d'une crise ou crise d'une description?" *op. cit.*, p. 63.

53. On the notion of autonomy as "law without state," see Paolo Grossi, "Ein Recht ohne Staat. Der Autonomiebegriff als Grundlage der mittelalterlichen Rechtsverfassung," in Rudolf Morsey, Helmut Quaritsch, and Heinrich Siedentopf, eds., *Staat, Politik, Verwaltung in Europa* (Berlin: Duncker & Humblot, 1997), pp. 19-29. Also, by the same author, *L'ordine giuridico medievale* (Bari: Laretza, 1995).

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V

At first glance, there seem to be some affinities between Althusius' theory and the liberal doctrine that begins with a critique of absolutism and the rejection of the welfare state, which helps explain why some liberal authors have tried to appropriate his work.[54] But liberals do not retain the principle of subsidiarity or of substitution, but only the negative notion of non-interference. They reject holistic anthropology, which is fundamental for Althusius, because it challenges state interference not in the name of the groups' autonomy, but of laws inherent in the individual's "nature." Also, like Althusius, and following Locke and Hobbes, if they support delegation they see it as emanating from isolated individuals who choose to enter society to maximize their best interests by voluntarily transferring to the sovereign (conditionally or definitely) the absolute right that their "nature" has given them.

But Althusius rejects the idea of isolated individuals, and contextualizes himself within a clearly organic perspective: the pact between the people and the prince is based on the concrete existence of communities. Liberals also acknowledge the existence of communities, but on the condition that they are the result of the voluntary association of their members. In their view, communities are not the basis of society, which is merely a collection of ontologically isolated individuals: only the individual is the subject of law. At best, collectives and intermediary groups, which Hayek characterizes as "archaic" relics of "tribal society,"[55] have derived rights, while the state's goal is to guarantee individual objectives, expressed essentially in terms of interests. For Althusius, however, the "social pact" is not the result of individual egoism and its tendency to make contracts on the basis of personal interest, but rather the result of the natural disposition of people to reciprocal sympathy based on shared values. In this sense, his doctrine is incompatible with methodological individualism.[56]

Much more interesting is the comparison between Althusius' and Rousseau's ideas. Although Rousseau does not quote Althusius directly, Gierke claims that Rousseau read and used Althusius' *Politica methodice*

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54. See Elazar, *Politica. An Abridged Translation of "Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples," op. cit.*, pp. XXV-XLVI.

55. Friedrich Hayek, *Droit, législation et liberté* (Paris: PUF, 1973), Vol. 2, pp. 168-178.

56. Giuseppe Gangemi, "La riflessione sul federalismo come strumento di fondazione di una cultura politica," in *Iter*, No. 8, 1995, pp. 121-139.

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digesta in order to write *The Social Contract*.[57] In fact, Rousseau's doctrine has many affinities with Althusius' thinking. Like Althusius, Rousseau distinguishes between the people, who are the holders of sovereignty, and the prince, who controls society according to the will of the people. Also like Althusius, Rousseau emphasizes that those who govern are subordinate to the people, whom they only represent, and he believes that popular sovereignty is an inalienable right that can be delegated, but which the people always retain and of which they cannot be deprived, even with their own consent.[58] Althusius wrote: "I support the idea that, in order to be legitimate, property and the usufruct of these rights of majesty must return to the kingdom or to the entire people, to the point where the people, should they want to do so, cannot renounce those rights, transfer them to someone else, or somehow alienate them, just as one cannot transmit one's life to another."[59]

The analogy of these formulas is immediately apparent. Like Althusius, Rousseau claims that the prince, who gives away his power, becomes a "simple individual" who no longer needs to obey anybody. Derathé concludes that "Althusius attributes to the subjects of a state the right to resist magistrates who want to exercise supreme power, just as Rousseau claims that the people have a duty to refuse to obey a government that usurps sovereignty and degenerates into tyranny. Both thinkers have the same dread of tyranny, and claim, with equal conviction, that the people have not only the right, but the duty to resist oppression."[60] Like Althusius, Rousseau believes that popular sovereignty cannot be taken away without destroying political society: depriving the people of its inalienable rights means destroying the state. According to Althusius, as long as "the rights of majesty, inherent in the people as a whole [remain untouched], the republic lives, but when these

57. Gierke quotes Rousseau's *Lettres écrites de la montagne*, in which Althusius' name is mentioned explicitly. Althusius' influence on Rousseau has also been noted by Kurt Schilling, *Histoire des ideés sociales. Individu, communauté, société* (Paris: Payot, 1962), p. 184. Cf. also Frédéric Atger, *Essai sur l'histoire des doctrines de contrat social*, *op. cit.*; and J. W. Gough, *The Social Contract* (Oxford: Oxford University Press, 1957).

58. "He who drafts laws, therefore, does not or should not have any legislative right. And the people itself cannot, even if it wanted to, divest itself of this incommunicable right." See Jean-Jacques Rousseau, *On the Social Contract*, ed. by Roger G. Masters, tr. by Judith R. Masters (New York: St. Martins Press, 1978), Bk. II, Ch. vii, p. 69.

59. Althusius, preface to the 1603 edition of *Politica,* in Friedrich's edition of *Politica methodice digesta of Joannes Althusius (Althaus)*, *op. cit.*, pp. 3-6.

60. Robert Darathé, *Jean-Jacques Rousseau et la science politique de son temps* (Paris: J. Vrin, 1988), p. 96.

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rights are taken away it dies, it perishes, and does not deserve to be called a republic." Rousseau states the same thing: "when the prince no longer administers the State in accordance with the laws and usurps sovereign power," the social pact is dissolved, "the state shrinks,"[61] and the citizens cease to form a people, but constitute only an "aggregation" of "scattered men."[62] In both cases, the result is anarchy: "When the State dissolves, the abuse of the government of any type whatsoever takes the general name *anarchy*."[63] Darathé also writes: "Althusius formulated the key idea of the *Social Contract* a century and a half before Rousseau. He makes sovereignty an inalienable right that cannot be transferred from the people to the monarch under any pact of submission. Rousseau took this principle, which Althusius opposed to Bodin, as his own — it is hard to believe that he did not borrow it — in order to oppose Pufendorf and the absolutists of his time."[64]

But Rousseau and Althusius are far apart on other issues. The major difference between them is that, for Rousseau, the social contract is essentially one between individuals, as in liberal doctrine, whereas, for Althusius, the social pact is the progressive organization of organic communities of various sizes, in the formation of which individuals have no part: if they enter into a contract, they do so as members of an already existing community, which does not abandon its rights in favor of the larger community. Thus, this is not a voluntary coordination, which transforms individuals into citizens, but rather a slow elaboration beginning with primary communities. Althusius does not need the fiction of a state of nature distinct from the social state in order to establish his system. For him, the pact is not a unitary fact established once and for all, but an idea present on all levels that originates from man's social nature, although Althusius' system is not characterized so much by a hierarchy of social contracts as by a unity of political contracts. By contrast, Rousseau attempts to construct a polity that has a holistic appearance from individualist premises. For him, the state does not result from a union of subordinated communities, but from the "general will" expressed by the unity of citizens. That is why he locates sovereignty not in the people, but in the "nation," whose expression is the "general will." This is also why he does not subscribe to the principle of subsidiarity.

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61. Rousseau, *On the Social Contract, op. cit.*, Bk. III, Ch. x, p. 97.
62. *Ibid.*, Bk. I, Ch. v, p. 52.
63. *Ibid.*, Bk. III, Ch. x, p. 98.
64. Darathé, *Jean-Jacques Rousseau . . . , op. cit.*, p. 96.

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While, for Althusius, the "general will" never destroys the rights of the contracting parties, and the equity (*aequabilitas*) is never synonymous with equality (*aequalitas*), Rousseau writes that "in order to clearly see the statement of the general will, there is no partial society in the state." He recommends that those "partial societies" be subdued, or, if they cannot be overcome, that their number be multiplied in order to diminish their power, with the further objective of reducing inequality.[65] Rousseau here follows Hobbes, for whom intermediary structures between the state and the individual are subdued in principle, since for him the state is formed immediately. For Hobbes, the state is subject to the will of contracting individuals, together with the absolute submission of all individual wills. Therefore, from a global perspective, it is identical to a civil society. Since, during the French Revolution (in August 1791), the National Assembly abolished the right of coalition (this had been attempted under Louis XVI) with the pretext that "an absolutely free state should not tolerate any corporation within it," this decision conformed perfectly to Rousseau's views, but was totally opposed to Althusius' thinking.

Maritain said that "Rousseau's state is nothing more than Hobbes' Leviathan, crowned with the general will."[66] Rousseau, however, tried to reconcile Althusius and Bodin. He is more attached to the former with his concept of popular sovereignty, but he takes from the latter the idea of unlimited sovereignty and the unity of public power in the same territory. Thus, the type of sovereignty that he attributes to the people differs from that of Althusius, for whom the people are sovereign and not hostage to a sovereignty above and beyond themselves. By definition, the people's sovereignty is exercised with strict respect for autonomy, which exists on all levels, whereas, for Rousseau, the people are invested with a type of absolute sovereignty previously possessed by the prince, making it incompatible with the autonomy of any particular group.

William H. Riley saw in Althusius a late representative of the medieval vision of society. Gierke described him as a theoretician who sought to adapt certain principles of feudal political life to post-medieval society. Recently, he has been seen as a precursor of contemporary

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65. Althusius writes: "The harmony is encouraged and protected by equity, whereas law, honor, and freedom are given to each citizen according to the order and distinction of his value and status . . . . Opposed to this equity . . . is equality, whereby individual citizens are positioned in all fields."

66. Maritain, *L'Europe et l'idée fédérale*, *op. cit.*, p. 120.

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federalism. The contradiction between these different views disappears if one regards federalism as a modality of renewal, as a new form of certain principles characteristic of the feudal era. Elazar makes the comparison by sharply distinguishing between a "modern federalism," founded above all on individual rights, and a "post-modern federalism," based on the real and legitimate existence of groups and communities, to which juridical and political rights must be attributed in the public sphere.[67] Thomas Hueglin and Bernard Voyenne see in Althusius a figure historically located between the medieval era and modern times, who discovered most of the key elements of federalist doctrine: the state conceived as a "coalescence" of provinces and regions; rejection of the idea of absolute sovereignty in favor of the shared sovereignty of constituent powers; and definition of global society as a unity of reciprocal relations between groups.

By transforming the medieval notion of organized hierarchical bodies into a real "modern" constitutional hierarchy, Althusius both prefigured the federalist concept of representation and argued that individuals belong to the "symbiotic" state only through the meditation of associations and communities: families, cities, corporations, provinces, etc. Since, for Althusius, all forms of community are part of the same genre, and obey the same laws, according to the principle of increasing complexity, the freedom of territorial collectives is not included in his antinomic model of shared sovereignty. Instead of being "dualist," i.e., shared between an almighty sovereign and a "civil society" deprived of all capacity for autonomy, society is defined as a political continuum of law-making organizations, without regard to continuity. The existence of concurrent sources of law-making is considered to be a better guarantee of freedom. Finally, Althusius explores the modern distinction between "federation" (*Bundestaat*, which he calls *fœderatio plena)*, and "confederation" (*Staatenbund*, or *fœderatio non plena*). For this reason, Voyenne considers Althusius to be "the first federalist theoretician," and adds that his federalism "in many respects is already integral federalism."[68]

By posing the question of shared jurisdictions, and by arguing that on all levels of public life the state should take care only of tasks that

67. Daniel J. Elazar, *Exploring Federalism* (Tuscaloosa: University of Alabama, 1987). See also Daniel J. Elazar, ed., *Federalism as Grand Design. Political Philosophers and the Federal Principle* (Lanham: University Press of America, 1987).

68. Voyenne, *Histoire de l'idée fédéraliste*, *op. cit.*

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lower levels cannot accomplish, Althusius established himself as the first post-medieval defender of the principle of subsidiary authority. The word "subsidiarity," which Althusius used often, is derived from the Latin *subsidium*, which was used to refer to troops or reserves called up to reinforce regular armies when needed. Politically, the principle of subsidiarity signifies that higher levels must always be limited in the sense that they do not intervene unless and until a lower level is unable to carry out a required task. This is a principle of equilibrium and regulation that aims to keep initiatives at the lower level, and to protect them from being subsumed by those above. As such, it is present in all federalist constructions, as well as in most forms of indirect or direct democracy. Based on the idea that "in a political society everything should be done so as not to prevent anyone from doing what they can or want to accomplish," this principle implies that a person is responsible for his acts, that individuals are defined as social beings whose natural egoism is also accompanied by a natural need for solidarity and sociability, that society is an organic entity, that social relations are founded on mutual benefits and reciprocity, that a right is a relation of equity in respect to a concrete situation, and, finally, that social relations are based on the primacy of the common good over particular interests.[69]

Such a principle is already present in Aristotle, notably in *Nichomachean Ethics*. With respect to his theory of the common good, which defines society not only as a juxtaposition of isolated individuals, but also as an organic whole, where all members demonstrate solidarity, Thomas Aquinas writes: "It is evident that all those who form a society are various parts of that society with respect to the whole."[70] He concluded that the state's omnipotence must be limited by multiple "communities" in society, and that the tasks of the latter should not be assumed by the former. Thereafter, the church's social doctrine

69. On the principle of subsidiarity, see Chantal Millon-Delsol, *Le principe de subsidiarité, op. cit.*; Marie Cornu, *Compétences culturelles en Europe et principe de subsidiarité* (Brussels: Bruylant, 1994); Frédéric Baudin-Cullière, *Principe de subsidiarité et administration locale* (Paris: Librairie Générale de droit et de jurisprudence, 1995); Claude du Grandrut, *La citoyenneté européenne, une application du principe de subsidiarité* (Paris: Librairie Générale de droit et de jurisprudence, 1997); René Lourau, *Le principe de la subsidiarité contre l'Europe* (Paris: PUF, 1997); Jean-Louis Clergerie, *Le principe de subsidiarité, op. cit.* The principle of subsidiarity is explicitly cited in the Maastricht Treaty (February 7, 1992), which states that the European Union was not allowed to intervene, unless it can do so more effectively than its member states or regions. This principle, however, has not been applied.

70. Thomas Aquinas, *Summa Theologica,* IIa-Iae, q. 58, a.5.

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reaffirmed the validity of the principle of subsidiarity on many occasions, most notably in the encyclical *Rerum novarum* (1891).[71] The 1931 encyclical letter *Quadragesimo anno* says: "Just as it is wrong to withdraw from the individual and commit to the community at large what private enterprise and industry can accomplish, so, too, it is an injustice, a grave evil and a disturbance of right order for a larger and higher organization to arrogate to itself functions which can be performed efficiently by smaller and lower bodies."[72]

The principle of subsidiarity also can be found among 19th century authors as different as Tocqueville and Proudhon. Tocqueville stressed that democracy is constantly threatened by state centralization, which deprives intermediaries of their autonomy by reducing their jurisdiction. He lectures about decentralization and the revitalization of provincial and regional institutions as means for achieving "political life in every part of the territory, in order to multiply infinitely the opportunities of citizens to act collectively, and to make them feel mutually dependent on a daily basis." Rejecting capitalism as well as "dogmatic communism" in favor of mutualist socialism, Proudhon also preaches about the formation of all sorts of autonomous communities, with the state interfering only when these communities cannot achieve their goals. Presenting Europe as "a federation of states, whose interests promote solidarity,"[73] he divides France into twelve autonomous "regencies," with legislative and executive powers deriving from the people, and names Paris as the "federal capital." Contrary to Hobbes' and Rousseau's systems, his federative-associationist

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71. *Encyclical Letter of His Holiness Pope Leo XIII on the Condition of the Working Classes* (Boston: St. Paul Editions, 1942).

72. Pope Pius XI, *Encyclical Letter on Social Reconstruction* (Boston: Daughters of St. Paul, nd), p. 40. One can find analogous claims in *Mater et registra* (1961) and *Pacem in terris* (1963). Cf. *La subsidiarité, de la théorie à la pratique. Actes du XIIe colloque national de la Confédération des juristes catholiques de France, Paris 20-21 novembre 1993* (Téqui, 1995). It should be pointed out that the principle of subsidiarity can be deployed within very different perspectives: to protect individuals or groups against the state, to defend local churches against the universal Church, to defend the prerogatives of this same universal Church against public power, to give priority to parents over civil society for what concerns education, to defend private initiative against public powers, etc. Thus, it is on the basis of this principle that, beginning with the Council of Trent, the papacy, forced to renounce the absolutism of which Innocent III was the main theoretician, sought to redistribute prerogatives between the authority of Rome and royal power. In fact, the principle of subsidiarity cannot be understood other than as closely related to the principle of solidarity, because subsidiarity pushed too far could be seen as unfavorable toward the exigencies of solidarity.

73. Alexis de Tocqueville, *Philosophie du progrès*, letter 1 (1853).

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model, whose major goal is resolution of the antinomy of freedom and authority, is based on a contract whereby each party preserves or gains more freedoms and rights than it alienates, and whose contracting parties, as with Althusius, are not individuals, but organized entities: "family heads, communities, cantons, provinces, or states."[74]

VI

Althusius' work was rediscovered in Germany toward the end of the 19th century by thinkers seeking German unity. Thus, Martin Buber focused attention on Althusius, and largely based his own doctrine on *Politica methodice digesta.*[75] Althusius' ideas also can be approached from the standpoint of the Austrian social-democrat Otto Bauer who, at the outset of the 20th century, proposed to reorganize Austria as a federal state uniting autonomous regions.[76]

Beyond its meticulous references, *Politica methodice digesta* remains one of the richest educational works. In fact, the debate between Bodin and Althusius has never ended, and today it is more relevant than ever. This is the eternal debate between the nation-state and imperial Europe, between national Jacobinism and decentralizing federalism, between "republicans" and "democrats."[77] On the one hand, there is "a total sovereignty that is the only space for expression of the general will, an empty space between citizen-subjects and a sovereign-prince," a "civil society" defined only by its opposition to a political prince, an absolute monarchy of law and legitimacy whose magistrates are its instruments";[78] on the other hand, there is "a permanent conditional sovereignty based on consensual origins, a continuity

74. Pierre Proudhon, *La guerre et la paix* (1861), book IV, chapter 10.

75. Cf. specifically, Martin Buber, *Utopie et Socialisme* (Paris; Aubier Montagne, 1997). In this book, where he examines the works of Proudhon, Marx, Kropotkin, Landauer, *et al.*, Buber argues that he finds in Althusius the sharpest expression of a post-medieval reflection of the autonomous right of political association, pp. 247-248.

76. Otto Bauer, *Die Nationalitätenfrage und die Sozialdemokratie* (Vienna: Volksbuchhandlung, 1907). Cf. also Andrea Chiti-Batelli, *La social-démocratie de l'empire autrichien "fin de siècle," source peu connue du régionalisme fédéraliste* (Nice: Presses d'Europe, 1995), pp. 9-12.

77. Cf. Günther Ammon, Matthias Fischer, Thorsten Hickmann and Klaus Stemmermann, eds., *Föderalismus und Zentralismus. Europas Zukunft zwischen dem deutschen und dem französischen Modell* (Baden-Baden: Nomos, 1996). The authors emphasize that "the opposition between the two ways of thinking, sometimes visible, sometimes not, is one of the major defects in the European structure, where the danger of division is the major flaw" (p. 189). Cf. also Louis Dumont, *L'idéologie allemande. France-Allemagne et retour. "Homo aequalis" 2* (Paris: Gallimard, 1991).

78. Winckler, "Description d'une crise ou crise d'une description?" *op. cit.*, pp. 63-64.

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that does not resolve the distinction between associations of a lower (local) and a higher (universal) level, autonomous dignity of magistrates having "full jurisdiction" with respect to the principle of federation, a plurality of local laws, tempered by a common juridical reference." Althusius certainly merits recognition today.[79]

79. Some of the works devoted to Althusius should be mentioned: Wilfried Buchholz, *Rousseau und Althusius* (Breslau, 1922); Francesco Ercole, *Da Bartolo all'Althusio. Saggi sulla storia del pensiero pubblicistici del Rinascimento italiano* (Florence: Vallechi, 1932); Joseph Bischof, *Die Volkssouveränitätslehre bei Johannes Althusius und Franz Suarez* (Vienna, 1944); Peter Sjverds Gerbrandy, *National and International Stability. Althusius, Grotius, van Vollenhoven* (London: Oxford University Press, 1944); Stanley Parry, *The Politics of Johannes Althusius* (Yale: Yale University Press, 1944); Heinz Werner Antholz, *Die politische Wirksamkeit des Johannes Althusius in Emden* (Leer: H. Mökkel, 1954); Ernst Reibstein, *Johannes Althusius als Fortsetzer der Schule von Salamanca. Untersuchungen zur Ideengeschichte des Rechtsstaates und zur alprotestantischen Naturrechtslehre* (Aalen: Scientia, 1955); Julius von Gierke, *Neues über Johannes Althusius* (Berlin: C. Heymann, 1957); Frederick S. Carney, *The Associational Theory of Johannes Althusius* (Chicago: University of Chicago, 1960); Peter Jochen Winters, *Die "Politik" des Johannes Althusius und ihre zeitgenössischen Quellen. Zur Grundlegung der politischen Wissenschaft im 16. und im beginnenden 17. Jahrhundert* (Freiburg i. Br.: Rombach, 1963); Hans Thieme, *Die Basler Doktorthesen des Johannes Althusius*, s.l. 1964; Carl Joachim Friedrich, *Johannes Althusius und sein Werk im Rahmen der Entwicklung der Theorie von Politik* (Berlin: Duncker und Humblot, 1975); Karl-Wilhelm Dahm, Werner Kravietz, and Dieter Wyduckel, *Politische Theorie des Johannes Althusius* (Berlin: Duncker und Humblot, 1988); Thomas O. Hueglin, *Sozietaler Föderalismus. Die politische Theorie des Johannes Althusius* (Berlin: Walter de Gruyter, 1991); Won-hong Cho, [*Theory of State and Law in Johannes Althusius*] in Korean (Seoul: National University of Seoul, 1992; Dieter Wyduckel, *Johannes Althusius. Wegbereiter moderner Rechts- und Staatslehre* (Darmstadt: Wissenschaftliche Buchgesellschaft). Cf. also, Carl Joachim Friedrich, "Johannes Althusius, "in *Encyclopedia of the Social Sciences*, e. by Edwin R. A. Seligman and Alvin Johnson, Vol. 2 (New York: The MacMillan Company, 1930), pp. 13-14; A.P. d'Entrèves, "Giovanni Althusio e il problema methodologico nella storia della filosofia politica e giuridica," in *Rivista internazionale di filosofia del diritto* (1934); Hans Ulrich Scupin, "Die Souveränität der Reichsstände und die Lehren des Althusius," in *Westfalen* (1962), pp. 186-196; Hans Ulrich Scupin, "Der Begriff der Souveränität bei Johannes Althusius und bei Jean Bodin," in *Der Staat* (1965), pp. 1-26; Hans Ulrich Scupin, "Demokratische Elemente in Theorie und Praxis des Johannes Althusius," in A. M. C. H. Reigersman-Van der Eerden abd G. Zoon, eds., *A Desirable World: Essays in Honor of Professor Bart Landheer* (The Hague: Martinus Nijhoff, 1974); Patrick Riley, "Three Seventeenth-Century German Theorists of Federalism. Althusius, Hugo, and Leibnitz, "in *Publius*, No. 3, 1976, pp. 7-41; Hans Ulrich Scupin, "Untrennbarkeit von Staat und Gesellchaft in der Frühneuzeit. Althusius und Bodin," in Friedrich Kaulbach and Werner Krawietz, *Recht und Gesellschaft. Festschrift für Helmut Schelsky zum 65. Geburstag* (Berlin: Duncker & Humblot, 1978); Thomas O. Hueglin, "Johannes Althusius: Medieval Constitutionalist or Modern Federalist?," in *Publius*, No. 4, 1979, pp. 9-41; Hendrick Jan van Eikema Hommes, "Die Bedeutung der Staats- und Gesellschafteslehre des Johannes Althusius für unsere Zeit," in Norbert Achterberg, Werner Krawietz, and Dieter Wyduckel, *Recht und Staat in sozialen Wandel. Festschrift für Hans Ulrich Scupin zum 80. Geburtstag* (Berlin, 1983); Michael Behnen, "Herrscherbild und Herrschaftstechnik in der 'Politica' des Johannes Althusius," in *Zeitschrift für historische Forschung* (1984), pp. 417-471; Dieter Wyduckel, "Johannes Althusius," in Hans-Gert Roloff, *Die deutsche Literatur. Biographisches und bibliographisches Lexicon*, Vol. 1 (Bern/Las Vegas: P. Lang, 1991); Thomas O'Hueglin, "How We Studied the Wrong Authors? On the Relevance of Johannes Althusius," in *Studies in Political Thought* (Winter 1991-1992), pp. 75-93.

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Calhoun and his Critics

H. Lee Cheek, Jr.

John C. Calhoun's commentary on American politics raised the most important issues of the American experience. Yet, many of the implications of his thought are neglected, and his legacy remains an issue of intense debate. Unlike normal patterns of criticism, in which early critiques are disputed by subsequent revisions based on new research, reassessments of Calhoun as a political thinker have not benefited from subsequent reevaluations. Instead, the original disputes that arose during his lifetime continue among contemporary historians and political theorists, although with greater complexity and without consensus.

While there are many studies of Calhoun's political theory, they tend to neglect his interpretation of popular rule, and his connection with the Founding Fathers's political theory. However, Calhoun's articulation of the Southern republican worldview facilitated an advancement in political life and the survival of the republic. His understanding of political experience figures most prominently in his worldview, and distinguishes his political theory during the Age of Jackson. His "principles" provide the philosophical foundation for a theory of politics that opposes personal and societal restraint to imprudent modification and dissension. Precisely because Calhoun's understanding of political restraint was more important to his own understanding than to the perpetuation of any particular regime,[1] he remains an important political philosopher.

Most academic works portray Calhoun as a source of disruption,

1. "I would do any thing for Union, except to surrender my principles," in "Letter to Bolling] Hall," February 13, 1831, in John C. Calhoun, *The Papers of John C. Calhoun*, Clyde Wilson ed., Vol. XI (Columbia: University of South Carolina Press, 1981), p. 553. Hereafter, cited as *Papers*.

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rather than as an important contributor to the American political tradition. Many rely on previous scholarship, without examining Calhoun as a political thinker. One tendency is to approach Calhoun studies from the standpoints of critics, who consider him to be a conservative, a pluralist, a radical, a class theorist, or a classical republican,[2] while another is to consider his thinking in terms of rigid "paradigms" or interpretative models. Clyde Wilson, editor of Calhoun's *Papers*, has summarized the predicament in this way: "The literature does not so much progress as go round in circles, and large gaps remain in our knowledge. Nor can it be assumed that recent literature is in any sense more reliable than older writing."[3] Perhaps the best way to address this predicament is to go back to the original sources of Calhoun's political thinking.

More than any figure in the first half of the 19th century, Calhoun was aware of the true sources of disruption in American politics. He often lamented the movement of political life toward the extremes of the theoretical or the practical, and away from the need for thoughtful statecraft. His concern took the form of a plea for a combination of the two, and he often bemoaned the subordination of one to the other; all too frequently, the practical assumed priority over the theoretical: "It was much to be regretted that the all absorbing question among the people was, not whether great fundamental principles should be established or overthrown, but who should be President."[4] Consequently, Calhoun was also one of the most prominent figures in American political history. The many appellations used to describe him — from the "young Hercules" of the War of 1812 to the "cast iron man" of his later life — have tended to distract attention from a rigorous understanding and appreciation of his contribution to American political thought.[5]

The Liberal Response

The plethora of works on Calhoun remains overshadowed by the influence of Richard Hofstadter's essay on Calhoun in *The American*

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2. For a fair account of the "categories," see Carson Wilson, "John C. Calhoun and the American Political Tradition," a paper presented at the Annual Meeting of the Southern Political Science Association, Tampa, Florida (November 1991).

3. Clyde Wilson, *John C. Calhoun: A Bibliography* (Westport, Connecticut: Meckler, 1990), pp. 2-3.

4. "Remarks at Montgomery, Alabama," May 8, 1841, in Calhoun, *Papers*, Vol. XV, p. 536.

5. See Margaret L. Coit, ed., *Great Lives Observed: John C. Calhoun* (Englewood Cliffs: Prentice-Hall, Inc., 1970), pp. 68-84.

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Political Tradition, and Louis Hartz's treatment of Calhoun in *The Liberal Tradition in America*, arguably the two most widely read books in American political thought during the postwar era.[6] Both Hofstadter and Hartz worked within a framework that Michael Sandel has described as "deontological liberalism," which reaches back to Kant for inspiration, and emphasizes the rights of the individual over the good of society.[7] In perspective, both works are authentic liberal responses to the scholarship of an earlier generation of deterministic and egalitarian assessments of American political thought, namely the writings of Vernon Parrington, Charles Beard, and Charles Merriam. Hofstadter and Hartz presented John Locke as the progenitor of American liberalism, which triggered a revolution in the understanding of the American political tradition.

Neither Hofstadter nor Hartz particularly liked Locke: Hofstadter rejected Locke's materialism, and Hartz considered Locke's ideological "tyranny" to be the destructive force behind all of America's contemporary problems.[8] However, by emphasizing Locke's influence on American political thought, both Hofstadter and Hartz set the stage for later scholars to promote Locke as an American Solon. The tension between Hofstadter's desire to recover a lost liberalism, uncorrupted by the cast of characters he offers, and Hartz's desire to move beyond Locke to a statist "Americanism" actually promoted the invention of a Lockean founding of American political theory.[9] In a sense, the similarity between the individualism and radical majoritarianism of Lockean liberalism, decried by Hofstadter and Hartz, became the inspiration for contemporary liberalism; instead of providing a critique of Locke, these works present a "Manchesterian" liberal America examined through the lens of contemporary liberalism, and without any convincing alternatives.

Neither Hofstadter nor Hartz were able to assess Locke's true influence on American political theory, because they preferred to present Locke as the fountainhead of the maladies of liberal society.[10] Both could

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6. Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York: Alfred Knopf, 1948; New York: repr. Vintage Books, 1973); and Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt Brace Jovanovich, 1955; repr. Harvest/HBJ, 1983).

7. Michael J. Sandel, *Liberalism and the Limits of Justice* (New York: Cambridge University Press, 1982), pp. 1 and 15-18.

8. Hartz, *op. cit.*, pp. 8 and 62.

9. Hartz, *op. cit.*, p. 260.

10. For a correction to Hofstadter and Hartz, albeit from a perspective that seeks to identify Locke as the authoritative source of a practical liberalism, see Ruth Grant, *John Locke's Liberalism* (Chicago: University of Chicago Press, 1987), especially pp. 198-205.

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have benefited from a closer reading of Calhoun, who acknowledged the strengths and weaknesses of Locke's influence on American political theory throughout his life.[11] For example, Calhoun considered Locke's presentation of an unburdened and egalitarian humankind in a state of nature to be a "hypothetical" possibility, but argued that a society founded on such a premise would be "opposed to the constitution of man."[12] In his view, the political order required a richer ground. Both Hofstadter and Hartz were opposed to an organic political community, which for Calhoun was the cradle of social and political life, even with all its foibles and dissimilarities. This explains why both Hofstadter and Hartz were unable to apprehend the foundation of the worldview that nurtured Calhoun's political theory. Instead, Hofstadter focused on Calhoun's penchant for isolation and independent study, and Hartz, following a very different path, offered a plea of sorts for a unitary communitarianism as a means of overcoming the ambivalences and complexities of organic social life.[13]

Both Hofstadter and Hartz sought to impose a social and political structure on society, while Calhoun saw community and society as preceding the state. For Calhoun, the South (and, to some degree, also the North) was a collection of communities, constituted and defined by the people, which allowed for a great deal of autonomy and liberty: "The Southern states are an aggregate, in fact, of communities, not of individuals. Every plantation is a little community, with the master at its head, who concentrates in himself the united interests of capital and labor, of which he is the common representative."[14] There really was no life outside of community. The possessive individualism of modern liberalism was not even contemplated by Calhoun or his contemporaries, except in a few nascent pockets of industrialism in the North. With the emerging conflicts between labor and capital, Calhoun found solace in the harmony so prominent in Southern society.[15] He thought the disputes that would come to dominate the industrial revolution might be reduced if the community was

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11. See Calhoun, *Papers*, Vol. XIII, p. 353 (on revolution); Calhoun, *Papers*, *op. cit.*, Vol. XVII, p. 285; and John C. Calhoun, *The Works of John C. Calhoun*, ed. Richard K. Crallé, Vol. IV (New York: D. Appleton and Company, 1857), p. 509. Hereafter, cited as *Works*.

12. "Speech on the Oregon Bill," June 27, 1848, *ibid.*, Vol. IV, pp. 509 and 510.

13. Hofstadter, *The American Political Tradition*, *op. cit.*, p. 94; Hartz, *The Liberal Tradition in America*, *op. cit.*, p. 56.

14. "Further Remarks in Debate on His Fifth Resolution," in Calhoun, *Papers*, *op. cit.*, Vol. XIV, p. 84.

15. Calhoun, *Works*, *op. cit.*,Vol. IV, p. 360.

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preserved as the basis of society. In general, it is Hofstadter's and Hartz's failure to note the centrality of community and its importance for Calhoun's political theory that hinders their overall appreciation of his contribution to political theory.

For Hofstadter, Calhoun was the precursor of a Marxist, class-based theory of economic and political life. He portrays Calhoun as promoting the upper strata of society, the planter-capitalist class, against the peasantry, the workers, and the slaves. He goes so far as to argue that Calhoun's only concern was for "class," without any interest in the protection of slaves or the less fortunate.[16] Accepting Charles Wiltse's outmoded description of Calhoun's political theory as a progression from an early nationalism, to a mid-life promotion of regional interests, and finally, to a sectional defender, Hofstadter characterizes Calhoun as a "brilliant, if narrow dialectician," who did not understand the implications for greater movements within American society. According to this view, Calhoun's central failure was his inability to appreciate the success of Northern industrialism and wage labor. To the degree that Calhoun accepted the merits of economic growth, he presumably sought to manipulate this expansion of the economy as a means of aligning Northern capitalists with Southern agrarian leaders. Calhoun could see the future, but could not appreciate the ramifications of such a vision for his homeland.

Actually, Calhoun praised improvements in limiting the control government exerted over commerce, and he believed that American economic success hinged on "a free exchange of our products with the rest of the world."[17] Tariffs of one variety or another, a staple of American politics during his political career, were the most dangerous by-product of the government's involvement in the economic sphere. The increase of revenue from tariffs was quickly consumed by a growing rank of career politicians, who became leeches on the body politic. Their lifeblood was the burgeoning patronage system. Calhoun's political theory was based on a recognition of the value of a free exchange of goods, a republican notion of political liberty, and the need for social restraint. All of these elements could come to fulfillment only within the setting of the organic community, which served as the basis for preventing the degradation of the lower classes, and functioned as an all-encompassing safety net for the larger society. The Whig "American system," with all its accouterments, was the embodiment of government-sponsored economic activity antithetical to

16. Hofstadter, *The American Political Tradition*, *op. cit.*, p. 116.
17. Calhoun, *Papers*, Vol. XIII, *op. cit.*, p. 272.

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the deeper needs of the community and to the promotion of the virtuous civic culture that Calhoun cherished. Hofstadter's image of Calhoun as the "Marx of the Master Class" pales by comparison with Calhoun the statesman who, amidst the great battle over tariffs and other issues during the special Congressional session of 1841, led the struggle against the "great overruling moneyed power" seeking to "reduce the rest of the community to servitude."[18] In reality, the oligarchic revolution that Hofstadter considered to be the fulfillment of Calhoun's political theory was not promoted, but rather opposed by the Carolinian.

If Hofstadter fails to appreciate the organic and systematic nature of Calhoun's theoretical work, Hartz portrays Calhoun as the representative of a self-contradictory worldview. For Hartz, Calhoun was a disjointed Burkean defender of an organic society, colored by Lockean notions of individual rights, and further complicated by the requirement to defend a slave society. He suggests that the combination of Locke's wisdom and Sir Walter Scott's romanticism resulted in a "profoundly disintegrated political theorist,"[19]and concludes that Calhoun suffered from "intellectual madness."[20] According to Hartz, Calhoun was a second-generation *philosophe,* who provided "a scheme of man-made instruments that the French Enlightenment in its palmiest days never dared to develop."[21] As a political theorist, he allegedly was closer to the anarchism of William Godwin than to the republicanism of the Founding Fathers. But, in reality, Hartz's Calhoun never existed. Rich in metaphor and association, his portrayal of lacks an adequate comprehension of Calhoun's attachment to community and, ultimately, to liberty.

In all of American political thought, no major thinker was less inclined to the excesses of European romanticism than Calhoun, with the possible exception of John Adams.[22] Throughout his life, Calhoun was a proponent of the federal union, albeit as originally outlined. Disruptions of the social order were to be avoided, if possible, and the concept of

18. "Remarks on the Goochland County Resolutions," August 20, 1841, in Calhoun, *Papers*, *op. cit.*,Vol. XV, p. 703.

19. Hartz, *The Liberal Tradition in America*., *op. cit.*, pp. 158-159.

20. *Ibid.*, p. 166.

21. *Ibid.*, p. 161. Lacy K. Ford incorrectly suggests that Hartz views Calhoun as a "very modern conservative." Hartz argues that Calhoun was a proponent of the "Reactionary Enlightenment," who could not overcome the limits of traditional liberalism in "Republican Ideology in a Slave Society: The Political Economy of John C. Calhoun, in *Journal of Southern History*, Vol. LIV, No. 3 (August 1988), p. 408; and Hartz, *op. cit.,* pp. 173-174).

22. Calhoun, *Papers*, Vol. XI, *op. cit.*, p. 468; on romanticism, see Irving Babbitt, *Rousseau and Romanticism* (New Brunswick: Transaction Publishers, 1991).

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revolution was defined as an effort directed toward recovering a lost or neglected aspect of popular government. Foremost among the historical influences on Calhoun was the English model of popular rule, and he often emphasized the importance of that tradition: "to them we are indebted for nearly all that has been gained for liberty in modern times."[23] When Calhoun used revolutionary jargon, as in the case of the debate over removing the Senate's censure of President Jackson in 1835, he argued for restoration of a damaged or lost notion of political order. Usually, the alternatives for a flawed regime were framed in terms of revolution, signifying a recouping of sorts, or a reformation, a pragmatic emendation of the existing structure of political participation or governing.[24] In fact, Calhoun's defense of the older idea of revolution supports the assessment of him as one of the last proponents of an ancient understanding of the corrigibility of regimes.[25] Calhoun's idea of revolution corresponded to the English and American examples so well known to his generation, but his remarkable exegesis of the texts and his participation in the translation of the theoretical and philosophical heritage encourage consideration of him as a seminal political thinker.

A New Science of Politics?

Among the successors to Hofstadter and Hartz, Richard Current is perhaps the most acerbic. His importance lies not in his contribution, but in his remarkable attachment to the shibboleths of previous scholarship. In an influential article published early in his career, followed by a book-length expansion of the main themes, Current claims that Calhoun's "ghost" influences all aspects of Southern political thought.[26] Most of his arguments simply replicate Hofstadter's, although he also explicates Calhoun's political works at some length. For Current, Calhoun reduced the design of the regime to one purpose: the protection of slavery.[27] Like

23. *Ibid.*, Vol. XIII, p. 98.

24. "Remarks on the Alabama Expunging Resolutions," January 28, 1835, in *ibid.*, Vol. XII, p. 406 ["I say boldly things are now come to such a crisis that no alternative is left but reformation or revolution"].

25. The modern revolution usually is understood to be a progression toward a new stage of understanding not hitherto imagined. A prominent representative of such an approach is Mao Tse-tung: "Do not stop half way and do not ever go backward." Quoted in Frederic Wakeman, Jr., *History and Will* (Berkeley: University of California Press, 1975], p. 275).

26. Richard Nelson Current, "John C. Calhoun, Philosopher of Reaction," in *Antioch Review* 3 (1943), pp. 223-234, and *John C. Calhoun* (New York: Twayne Publishers, 1963).

27. Current, *John C. Calhoun*, *op. cit.*, p. 83.

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many others, Current attempts to use slavery as a means of distracting students of Calhoun's political thought from a more complete examination of his work and its continuing importance to American politics. Defending slavery was not the touchstone of Calhoun's political thought. Although he offered a moderate defense of slavery, viewing the situation to be part of a larger discussion of the evolving nature of Southern society, it was neither the most important nor the most consuming aspect of his political thought. He believed that the slavery problem would resolve itself over time, but the need to preserve the republic and to improve the citizenry's understanding of the republic's foundational elements were of greater importance.[28] The predominant theme of Calhoun's life and work was the proper constitution of popular rule, "the primary principles of our Government, of which the right of self-government is the first; the right of every people to form their own government, and to determine their political condition. . . . for the cause of liberty."[29]

Current's unusual presentation of Calhoun as an obstacle to world peace,[30] and to the rights of minorities[31] demonstrates a reluctance to consider the depth of Calhoun's political thought, with its emphasis on consensual rule, which is of great importance to regions where increasing social and political conflict has prevented the establishment of a governing authority.[32] Contrary to Current's notion that minorities cannot benefit from Calhoun's insight, Calhoun's defense of minority rights remains an evocative, if misunderstood aspect of his work. In fact, the use of Calhoun's political theory by minority groups has revived in recent years, encouraging the need for a thorough presentation of his thought, especially the *Disquisition* and the *Discourse*.[33]

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28. "Speech on the Treaty of Washington," in Calhoun, *Papers*, *op. cit.*, Vol. XVI, p. 406.

29. "Second Speech on the Bill for the Admission of Michigan," January 5, 1837, in *ibid.*, Vol. XIII, p. 342.

30. Current, "John C. Calhoun, Philosopher of Reaction," *op. cit.*, p. 234.

31. Current, *John C. Calhoun*, *op. cit.*, p. 147.

32. Arend Lijphart, "Majority Rule Versus Democracy in Deeply Divided Societies," in *Politikon*, Vol. 4., No. 2 (December 1977), pp. 113-126; and Ronnie W. Faulkner, "Taking John C. Calhoun to the United Nations," in *Polity*, Vol. 15 (Summer 1983), pp. 473-491.

33. For example, an American professor of political science who studied in Washington during the 1960s once came upon "black power" theorist Stokely Carmichael reading a copy of the *Disquisition*. Cf. the interview with Donald S. Lutz, November 6, 1993, Houston, Texas; and for another version, see Donald Lutz, *Preface to American Political Theory* (Lawrence: University of Kansas Press, 1992), p. 11.

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For Current and many others who share an attachment to this understanding of Calhoun, the statesman was a devotee of Enlightenment rationalism, serving as a prophet of a new age of political experimentation and analysis. A number of studies place Calhoun among the radical defenders of a "new science of politics," making him the precursor to modern positivism and "today's behavioral political science."[34] Current even suggests that Calhoun considered himself to be "the Newton, the Galileo" of politics.[35] However, the most influential of these reassessments is Ralph Lerner's work, which recognizes the need for caution and exhibits an uneasiness in placing Calhoun among the more extreme American adherents to the Enlightenment: "Calhoun's science is not to be mistaken for an ethics or a particularistic empiricism or an arid 'scholastic refinement'; but it may be called metaphysics, if by that we mean as he did the mind's power of reducing a complexity to its elements and combining these into a harmonious system."[36] The problem for Lerner lies more in Calhoun's movement from the ascribed "metaphysical" abstractions and his general "scientific" theorems to the practical application of these ideas.[37] The critique he offers depends entirely on the more theoretical presentation found in the *Disquisition*, and does not make any attempt to examine the *Discourse*, which provides insight into the role of the practical in Calhoun's thought.

To Lerner's credit, he poses an important question: if Calhoun was a political theorist, and his work was truly "philosophical," could it be assimilated with a tradition concentrating on the practical? The answer is obviously yes. In anticipation of such a response, Lerner and other Calhoun

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34. Ralph Lerner, "Calhoun's New Science of Politics," in *American Political Science Review*, Vol. XVII, No. 4 (December 1963), p. 931. While Lerner represents the most thoughtful and philosophically disciplined of this "school" of critics, others who should be included in considering this approach to Calhoun are James D. Clarke, Harry V. Jaffa, and Robert Jeffrey. In his more recent work, Lerner seriously misrepresents Calhoun's attitude toward Native Americans as being nearly synonymous with those of Andrew Jackson in *The Thinking Revolutionary: Principle and Practice in the American Republic* (Ithaca: Cornell University Press, 1987), pp. 162-163). For a corrective, see Calhoun, *Papers*, *op. cit.*, Vol. XIII, p. 436, Vol. XIII, p. 453, Vol. XIV, p. 279, and Vol. XV, p. 492.

35. Current, *John C. Calhoun*, *op. cit.*, p. 110.

36. Lerner, *The Thinking Revolutionary.*, *op. cit.*, p. 918.

37. Calhoun described his study as a "science of government." See "A Disquisition on Government," in *Union and Liberty: The Political Philosophy of John C. Calhoun*, ed. by Ross M. Lence (Indianapolis: Liberty Fund, 1992), p. 5. Hereafter, cited as *Disquisition*. Contrary to the implication that he attempted an esoteric stratagem, Calhoun followed a pattern common among American political thinkers. Publius, for example, made use of science to connote the thorough study of a particular concern in *The Federalist* 8,9, 18, 25, 29, 37, 43, 47 and 66.

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critics note the natural gravitation of Calhoun to Burke's political theory;[38] yet, there is a suggestion of overcompensation in Calhoun, i.e., an abrupt movement from the practical, human dimension to a denial of the "efficacy of human understanding" as it applies to politics.[39] Burke continued to be a political and philosophical mentor for Calhoun, doubtless owing to his association with John Randolph, but probably dating from a previous, formative period. As early as 1816, Calhoun called Burke "a statesman of great sagacity" for supporting the means necessary to fortify the financial base of a country in time of crisis.[40] For Calhoun, Burke's greatness could be seen in his response to the exigencies of everyday political situations and, of course, in his status as the "greatest of political philosophers."[41]

From Senators Henry Clay and John J. Crittenden during his lifetime to contemporary scholars, many critics have found fault with the presumed abstract quality of Calhoun's political theory. Usually in a summary manner, they imply that the obtuseness of Calhoun's philosophical orientation in his speeches and treatises prevented an adequate incorporation of the practical, i.e., the needs of everyday politics. Among these critics, there is nearly universal celebration of the practical as against the theoretical or the philosophical, not unlike the subordination of the study of political theory in contemporary political science. But Calhoun argued that to separate the philosophical from the practical would destroy the necessary dualistic character of a prudent political philosophy, that the philosophical informs the practical, and conversely, the practical informs the philosophical.[42] It was impossible for him to reflect on the human

38. Many critics who attempt to depict Calhoun's political theory as purely abstract neglect the *Discourse*, which Calhoun intended to be an elaboration of and supplement to the earlier *Disquisition*. The purpose of the *Disquisition* was to present the "elementary principles of Government." See "Letter to Andrew Pickens Calhoun," July 24, 1849, in *Correspondence of John C. Calhoun*, ed. by J. Franklin Jameson, *American Historical Association Annual Report for 1899*, Vol. 2 (Washington: U.S. Government Printing Office, 1900), pp. 769-770. Hereafter, cited as *Correpondence*. For a prominent example of the failure to assess the *Discourse*, see Harry V. Jaffa, *Defender of the Constitution: Calhoun versus Madison, A Bicentennial Celebration* (Dallas: University of Dallas, 1987). Jaffa's *Original Intent and the Framers of the Constitution* (Washington: Regnery, 1994), makes only a superficial reference to the *Discourse* (p. 47).

39. Calhoun, *Correspondence*, *op. cit.*, p. 921.

40. "Speech on the Revenue Bill," January 31, 1816, in Calhoun, *Papers*, *op. cit.*, Vol. I, p. 319; also, Vol. I, p. 386, Vol. XIII, p. 601, Vol. XIV, p. 71, Vol. XV, p. 151, Vol. XV, p. 482, and Vol. XV, p. 718.

41. Calhoun, *Papers*, *op. cit.*, Vol. XI, p. 254.

42. See Benedetto Croce, *Philosophy of the Practical*, tr. by Douglas Ainslie (New York: Biblo and Tannen, 1969), pp. 293-305.

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condition, the nature of politics, the essence of a democratic regime, etc. without the coexistence of the philosophical search for truth, augmented by a concept of volition that provided for moral action. He defended this approach on the grounds that the search for truth necessitated more comprehensiveness: "The fact is, that it is abstract truths only that deeply impress the understanding and the heart, and effect great and durable revolutions; and the higher the intelligence of a people, the greater their influence. It is only the ignorant and brute creation over whom they have no control."[43] For Calhoun, the decomposition of American politics was the result of a flight from principles, and the decline was present among many of his critics. In fact, most of Calhoun's criticisms of Henry Clay, Andrew Jackson, and Martin Van Buren, among others, were based on his concern that these leaders had abdicated their devotion to disciplined reflection on the very nature of the regime. By failing to follow a principled approach to politics, they had forfeited the responsibility incumbent upon them.[44]

When united with a deeper appreciation of the regime, practical political reflection was to be understood as a sacred obligation. Unfortunately, to concentrate solely on the practical led to abrogating the statesman's mission. When an effort was made in 1837 to amend a universally accepted tariff agreement, largely based on the desires of President-elect Van Buren and his partisans, Senator William Rives of Virginia praised Van Buren as a practical politician. The appellation of "practical" implied for Calhoun a willingness to compromise principle for expediency, thus degrading the twofold basis of political reflection. Van Buren was a politician, but, for Calhoun, genuine practicality is inseparable from the philosophical: ". . . we are told he is a practical politician. Now sir, what sort of an animal is a practical politician? I will endeavor to describe it. It is a man who considers the terms justice, right, patriotism, & c. (sic), as all being so many abstractions, more vague phrases . . . . [He is] shaped wholly by circumstances."[45] Calhoun had penetrated the dark veil of interest-driven politics. Instead of establishing a connection to the living dynamics of political life, practicality served as a euphemism for the movement toward opportunism, and signified a refusal to return the regime to its original design. To argue for a connection between the philosophical and the "real"

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43. "Remarks in Debate on His Fifth Resolution," in Calhoun, *Papers*, *op. cit.*, Vol. XIV, p. 72.

44. *Ibid*, Vol. XII, p. 474.

45. "Speech During Final Consideration of the Bill to Reduce Certain Tariff Duties," February 25, 1837, in Calhoun, *Papers*, *op. cit.*, Vol. XIII, pp. 474-475.

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was an effort to defend republican government as the best possible alternative to other types of political rule. Calhoun identified such a principled understanding of America with the "sacred regard for the letter and spirit of the Constitution, and a determination to protect the rights of the mass in opposition to the moneyed and manufacturing" elements of society.[46] Without an approach consisting of a composite duality of emphases, the "ultimate tendency" of politics could not be discerned in its totality, which could lead to the eventual degeneration of the regime.

A guide to understanding Calhoun's use of reason, as well as his devotion to the theoretical, is found in the application of his inherited worldview to the political crises he faced. Obviously, Lerner believes reason is devalued in Calhoun's political theory. According to Lerner, instead of portraying humankind as the primary participant in politics, guided by some form of reason, Calhoun valued primarily "fortunate historical accidents." For Lerner, Calhoun's reason encourages selfish motives within politics, while omitting a concept of virtue.[47] To scrutinize Calhoun on such grounds presents a serious, if not overwhelming problem. For Calhoun, "sound reason" was an integral part of political participation. The nurturing of human reasoning could be found in an individual's own community as well as elsewhere, although not all members were willing to rely on reason as a guide, preferring instead to succumb to "gross appeals to the appetites."[48] As one who shared the classical and Hebraic-Christian understanding of the role of reason in politics, Calhoun appreciated its capacity for defining both the concreteness and the universality of political life, which illuminated the higher potentialities of humankind that balanced the needs of the individual with those of the community. In fact, Calhoun's understanding of reason was underpinned by a concept of justice, and by an insistence on the role only experience could provide. From time to time, he was willing to defend human reason as a means of assessing the enduring and temporal problems facing the American republic. He often challenged those who would relegate the importance of reason to academic discussions, and always defended the centrality of a properly constituted concept of reason as a guide for political theory. At an early juncture in his public life, in the debate on the

46. "Remarks on the Bill Relating to Duties and Drawbacks," August 27, 1841, in *ibid.*, Vol. XV, p. 741-742.

47. Lerner, "Calhoun's New Science of Politics," in *American Political Science Review*, *op. cit*, p. 921.

48. *Disquisition*, *op. cit.*, p. 33.

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embargo with England during the War of 1812, he argued against the propensity to "renounce our reason" when it was temporarily expedient to do so.[49] In failing to ascertain the precision and centrality of Calhoun's use of reason and its role within his political thought, Lerner, along with other critics, misunderstood a primary aspect of Calhoun's position.

Also attached to this major current of Calhoun criticism are efforts to deride Calhoun as an opportunist, as a man controlled by personal "insecurity," as having launched an "assault on majoritarianism."[50] In his description of Calhoun as an opportunist, Gerald Capers provides the most vehement and unusual attack on Calhoun's political theory. His work constitutes an amalgamation of every negative, unreflective criticism of Calhoun ever written. He also underestimates the role that Calhoun's inherited worldview assumed in his political thought. Prominent among these sources were the Kentucky and Virginia Resolutions. According to Capers, the Resolutions, authored by James Madison and Thomas Jefferson, were merely a "political maneuver" to influence a temporal political objective.[51] In fact, the Resolutions were a brilliant presentation of republican political theory, and were designed to reduce the "appetite for tyranny" encouraged by the Alien and Sedition Acts.[52] For Calhoun, the Resolutions were also a primary source of the "old Republican States right doctrine of'98,"[53] the "daughter and mother" of a vibrant alternative understanding of American politics, especially in regard to the early political successes of the Federalists.[54] Calhoun always turned to this vision, guided by a duty to preserve the republic.[55]

More recent interpretations by John Niven and George Kateb view Calhoun as a politician and theorist who self-destructed before his countrymen. Niven attributes Calhoun's failure to his insecurity as a political

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49. "Speech on the Albany Petition for Repeal of the Embargo," May 6, 1812, in Calhoun, *Papers*, *op. cit.*, Vol. I, p. 107.

50. Gerald M. Capers, *John C. Calhoun, Opportunist: A Reappraisal* (Gainesville: University of Florida Press, 1960); John Niven, *John C. Calhoun and the Price of Union* (Baton Rouge: Louisiana State University Press, 1988); and George Kateb, "The Majority Principle: Calhoun and His Antecedents," in *Political Science Quarterly*, Vol. 84, No. 4 (December 1969), quotation on p. 601.

51. Capers, *John C. Calhoun, Opportunist: A Reappraisal*, *op. cit.*, p. 97.

52. Senator Henry Tazewell, "Letter to James Madison," Unpublished, July 12, 1798, Rives Papers, Library of Congress, Washington, D.C.

53. Calhoun, *Papers*, *op. cit.*, Vol. XIII, p. 310.

54. "To George Sanders," June 19, 1840, in *op. cit.*, Vol. 15, p. 282.

55. Calhoun's considerations about assuming positions of responsibility were always guided by his principles (See *op. cit.*, Vol. XX, p. 538).

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thinker, suggesting a gentler version of the personal denunciation initiated by Hofstadter and Hartz.[56] While different from Capers and Niven, but still part of the trend that portrays Calhoun as a theoretical anomaly, Kateb describes Calhoun's political thought as the "theory of a permanent minority."[57] Kateb's assessment places Calhoun within a minority political framework, but he fails to distinguish Calhoun's original interpretation of popular rule from an attempt to destroy majoritarianism in any form. Calhoun's imaginative proposals regarding the use of extra-constitutional measures for dealing with conflicts are also not appealing to Kateb. He prefers to criticize Calhoun from the standpoint of pure majoritarianism. Ultimately, as with every critic who is part of this current, Kateb considers Calhoun to be a force that "demoralizes" political theory.[58]

Calhoun the Statesman

Throughout the 20th century, a second current of Calhoun criticism emerged, stressing the importance of Calhoun as a wise statesman who supported lost causes. The principal figures were Charles Merriam, Vernon Parrington, Ralph Gabriel, and Merle Curti.[59] The central problem undermining them all is their unwillingness to appreciate Calhoun as a participant in the perpetuation of the inherited understanding of the republic, and their disregard of his approach to popular rule. To their credit, they make an effort to comprehend Calhoun as a political thinker, and to place him within the American political tradition.

Calhoun's work assumed a special significance for Merriam, who attempted to "sketch the principles of his political philosophy."[60] Following an overview of Calhoun's political theory, he correctly identified Calhoun as a thinker within a republican cosmos, and suggested the

56. Calhoun allegedly "impaled" himself on a cross of logical contradictions. See Niven, *John C. Calhoun and the Price of Union, op. cit.*, p. 329.

57. Kateb, "The Majority Principle: Calhoun and Hid Antecedents," in *Political Science Quarterly, op. cit.*, p. 605.

58. *Ibid.*, p. 582.

59. Charles E. Merriam, *A History of American Political Theories* (New York: MacMillian, 1928), pp. 252-288; and an earlier version of this essay, "The Political Philosophy of John C. Calhoun," in *Studies in Southern History and Politics* (New York: Columbia University Press, 1914), pp. 319-338; Vernon L. Parrington, *Main Currents in American Thought*, Vol. II (New York: Harcourt Brace Jovanovich, 1927, repr. Norman: University of Oklahoma Press, 1986), pp. 69-82; Ralph H. Gabriel, *The Course of American Democratic Thought* (New York: Ronald Press Co., 1940), pp. 103-110; and Merle Curti, *The Growth of American Thought* (New York: Harpers and Brothers, 1943), pp. 442-453.

60. Merriam, "The Political Philosophy of John C. Calhoun," *op. cit.*, p. 319.

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connection between Calhoun's writings and those of St. George Tucker,[61] the American editor of Blackstone.[62] He also praised Calhoun for exposing and remedying the "despotism of the majority," and ranked him "as among the strongest of American political theorists in the first half of the nineteenth century."[63] Parrington also encouraged a study of Calhoun's thought, but he concluded that Calhoun did not conform to the romantic, "middle-class" mode of Jeffersonian political thought, which he presumed to be central to American political and literary experience. While praising Calhoun as the "outstanding political thinker" of his time, Parrington considered his political theory to have been the "child of necessity," the result of Calhoun's personal and political predicament.[64] By contrast, Gabriel argued that Calhoun was an idealist, who was attached to the Union at all costs.[65] Although Calhoun was never elected president or led a major political party, his role as a statesman warrants celebration in these studies. It is also in accord with Calhoun's self-understanding, since he considered the statesman to be the antithesis of the politician: "The distinction between the statesman and the politician is broad and well defined. The former is an ornament and a blessing to his country, but the latter is a pest."[66] Curti characterizes Calhoun's support of Secretary of War Stephen Long's explorations of the Rocky Mountains as an indication of his administration's prophetic nature.[67] But Curti underestimates the enduring quality of Calhoun's political theory, by describing it as purely "realist" in contrast to the Jeffersonian philosophical tradition.[68]

Others in this current of criticism suggest ways to better understand Calhoun's political theory, but none of them very clearly. Alan Grimes' once-fashionable survey of American political theory summarizes some

61. Merriam mistakenly attributed the editorship of *Blackstone's Commentaries* (1803) to Henry St. George Tucker, who was the son of St. George Tucker. Calhoun sent his son, John C. Calhoun, Jr., to the University of Virginia to study under Henry St. George Tucker (see Calhoun, *Papers*, *op. cit.*, Vol. XVII, p. 117-118), but later he was dismissed from the University. St. George Tucker's middle son, Nathaniel Beverly Tucker (and half-brother of John Randolph) wrote a novel entitled *The Partisan Leader* (1836), with Calhoun as its hero. See Beverly D. Tucker, *Nathaniel B. Tucker* (Tokyo: Nan'Un-Do Publishers, 1979).

62. Merriam, *A History of American Political Theories*, *op. cit.*, p. 266-267.

63. Merriam, *ibid.*, p. 271; and Merriam, "The Political Philosophy of John C. Calhoun," in *Studies in Southern History and Politics*, *op. cit.*, p. 328.

64. Parrington, *Main Currents in American Thought*, Vol. II, *op. cit.*, pp. 69 and 72.

65. Ralph Gabriel, *The Course of American Democratic Thought*, *op. cit.*, p. 108.

66. Calhoun, *Papers*, *op. cit.*, Vol. XI, 141.

67. Curti, *The Growth of American Thought*, *op. cit.*, p 223.

68. *Ibid.*, p. 442.

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aspects of Calhoun's insight, but draws the egregious conclusion that his political theory deserves a Hobbesian label.[69] A greater comprehension of Calhoun's political world has been provided by William Freehling, although his argument for Calhoun as a "revolutionary" does not deserve serious consideration. It was Calhoun, after all, who helped contain a truly revolutionary "Bluffton Movement," composed of his fellow South Carolinians. During 1844, many leading South Carolina politicians threatened drastic responses to a troublesome new tariff and the questionable status of Texas.[70] Calhoun's success at moderating the conflict demonstrated both his restraint in a crisis situation, and his lack of control over the politicians described by Freehling as "Calhounites."[71] A recent Marxist assessment of Calhoun acknowledges his propensity for statecraft, citing his celebrated union with Webster and Clay in the Senate.[72] Calhoun's location in the theoretical landscape of political thought has been debated widely, and a recurrent theme within this controversy has been Calhoun's relation to modern theories of pluralism.[73]

Calhoun the Republican Philosopher

The last current of Calhoun criticism consists of a small group of scholars who appreciate his critique of popular rule, and consider his *Disquisition* and his *Discourse* to be important contributions to political theory. Yet, they ignore the prejudices created by the other currents of scholarship, and treat Calhoun as an original theorist whose work transcended his own time and place, and continues to be relevant for American politics. During the 19th century, both John Stuart Mill and Lord Acton praised Calhoun for his appreciation of the diffusion of political authority and for his defense of liberty. Mill's *Representative Government*

69. Alan Grimes, *American Political Thought*, Revised Edition (New York: Holt, Rinehart and Winston, 1960), p. 246.

70. William H. Freehling, *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816-1836* (New York: Harper and Row, 1966), p 172. For Calhoun's anti-revolutionary notions of statesmanship, see Calhoun, *Papers*, *op. cit.*, Vol. XIX, p. 525.

71. Freehling, *Prelude to Civil War*, *op. cit.*, p. 134. See also, Freehling, "Spoilsmen and Interests in the Thought and Career of John C. Calhoun," in *Journal of American History*, Vol. LII, No. 1 (June 1965), pp. 25-42.

72. John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic* (New York: Cambridge University Press, 1995), p. 203.

73. See Peter F. Drucker, "A Key to American Politics: Calhoun's Pluralism," in *Review of Politics*, Vol. 10, No. 4 (October 1948), pp. 412-426; Darryl Baskin, "The Pluralist Vision of John C. Calhoun," in *Polity*, Vol. II, No. 1 (Fall 1969), pp. 49-65; and Peter J. Steinberger, "Calhoun's Concept of the Public Interest," in *Polity*, Vol. 13, No. 3 (Spring 1981), pp. 410-424.

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applauded Calhoun's understanding of "federal representative" government as a means of providing for the greatest participation of the populace, while avoiding conflict and discouraging corruption in the central government.[74] According to Mill, Calhoun encouraged a return to the division of political power and to "principles" designed by the Founding Fathers.[75] He suggested that the moderating influence of the states within the union could be implemented by the "extension of the practice of co-operation through which the weak, by uniting, can meet on equal terms with the strong."[76] By protecting the role of minority elements in the regime, Calhoun was offering a means of reinvigorating the federal concept that had "broke[n] down in the first few years of its existence."[77] Lord Acton expanded on Mill's exposition of Calhoun, and described Calhoun's work as being "the very perfection of political truth," and "profound and so extremely applicable to the politics of the present day."[78] It was not Calhoun's theory of representation, but his presentation of an authentic constitutional tradition as distinct from the "pure democratic views" fashionable in the 19th century that made him "the real defender of Union," and of democratic theory.[79]

Calhoun's concept of popular rule has been assessed also by Charles Wiltse, Margaret Coit, August Spain, and Russell Kirk. More recent works by Theodore Marmor, Irving Bartlett, Eugene Genovese, Clyde Wilson, and David Ericson extend and revise earlier interpretations. Wiltse's massive biography set the standard for all subsequent studies by

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74. John Stuart Mill, *Considerations on Representative Government* (Indianapolis: Bobbs-Merrill, 1958), pp. 237-249.

75. Mill appeared to refer only to Calhoun's *Disquisition* as a "work of great ability," but he may have intended for *Disquisition* and *Discourse* to be viewed together as an extended meditation on the problem of representation (*Representative Government*, *ibid.*, p. 244). This assumption is based on the publishing history of these works. *Disquisition* and *Discourse* were published together posthumously in 1851, and republished in 1853 as the first volume of *The Works of John C. Calhoun* (1853-1855). Writing to his wife in 1854, Mill more clearly expressed his view of the works: "I am reading the American book, a *Treatise on Government* generally and on the institutions of the U. States in particular — it is considerably more philosophical than I expected, at least in the sense of being grounded on principles." See "J.S. Mill to Harriet Mill," February 18, 1854, in *The Collected Works of J. S. Mill: The Later Letters, 1849-1873*, Vol. XIV (Toronto: University of Toronto Press, 1972), p. 163.

76. Mill, *Considerations on Representative Government*, *op. cit.*, p. 246.

77. *Ibid.*, p. 240.

78. Lord Acton, "Political Causes of the American Revolution," in *Selected Writings of Lord Acton*, Vol. I, ed. by J. Rufus Fears (Indianapolis: Liberty Classics, 1986), p 240.

79. *Ibid.*, p. 245.

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providing a trenchant commentary on Calhoun's own understanding of the American republic, as well as his principled political theory.[80] Coit's survey of Calhoun's life and political thought demonstrates the consistency of his moral and prudent statesmanship.[81] The redirection of scholarly attention to the central problem of popular rule and its importance to republican government in Calhoun's political thought has been aided by the works of Spain and Kirk,[82] and the more recent assessments by Marmor, Genovese, Ford, Wilson, and Ericson have contributed to a better understanding of the historical situation, as well as to the enduring significance of Calhoun's political theory.[83]

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80. Charles M. Wiltse, *Jeffersonian Tradition in American Democracy* (Chapel Hill: University of North Carolina Press, 1935); *John C. Calhoun: Nationalist, 1782-1828* (Indianapolis; Bobbs-Merrill, 1944); *John C. Calhoun: Nullifier, 1829-1839* (Indianapolis: Bobbs-Merrill, 1949); *John C. Calhoun: Sectionalist, 1840-1850* (Indianapolis: Bobbs-Merrill, 1951); and "Calhoun's Democracy," in *Journal of Politics*, Vol. 3, No. 2 (May 1941), pp. 210-223.

81. Margaret Coit, *John C. Calhoun* (Boston: Houghton Mifflin, 1950).

82. August O. Spain, *The Political Theory of John C. Calhoun* (New York: Bookman Associates, 1951); and Russell Kirk, *The Conservative Mind: From Burke to Eliot*, 7th rev. ed. (Washington: Regnery, 1987).

83. Theodore Marmor, *The Career of John C. Calhoun* (New York: Garland Publishing, 1988); Eugene Genovese, *The Southern Tradition* (Cambridge, Massachusetts: Harvard University Press, 1994); Clyde Wilson, ed., Calhoun, *Papers*, Volumes X-XXIV, *op. cit.*, *John C. Calhoun: A Bibliography*, *op. cit.*; and to introduction to *The Essential Calhoun* (New Brunswick: Transaction Publishers, 1992); David F. Ericson, *The Shaping of American Liberalism: The Debates Over Ratification, Nullification, and Slavery* (Chicago: University of Chicago Press, 1993); and Lacy K. Ford, Jr., "Inventing the Concurrent Majority: Madison, Calhoun and the Problem of Majoritarianism in American Political Thought," in *Journal of Southern History*, Vol. LX, No. 1 (February 1994), pp. 19-58.

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Reflections on Human Rights[1]

Charles Champetier

In the 1980s and 1990s, human rights became the implicit or explicit moral and political horizon of Western democracies. 1989 can be regarded as the turning point: the bicentennial of the French Revolution coincided with the collapse of the Soviet system, i.e., of the last grand alternative to market democracy in the Northern hemisphere.

This disappearance of "really existing communism" was preceded in the 1970s by the spiritual dissolution of the communist ideal. At that time, under the supervisory (and media-generated) figure of the "dissident," the Western intelligentsia abandoned the scientific and revolutionary pretenses of critical and socio-historical theories in favor of a moral and juridical posture, placing individual freedom and dignity at the center of its concerns. This "immanentist ideology" (the future as an improved projection of the present) was constructed in opposition to reactionary ideologies (the future as a return to the past) or to futurist ones (the future as a rejection of the past and an overturning of the present). In political terms, the liberal progressive center, celebrating market democracy as the only reasonable form of human emancipation, grew immensely at the expense of competing fringes on both Left and Right (themselves split over how to interpret this phenomenon or the goals of the struggle). No longer divided by clear disagreements concerning the best possible future, centrist political oppositions now emerge more clearly than ever in a cynical struggle for power.

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1. In "Quand les Droits de l'Homme deviennent une Politique," in *Le Débat* 110 (May-August 2000), Marcel Gauchet provides a remarkable account of the apotheosis of human rights as a "major ideological and political accomplishment of the last 20 years." While this text is so dense as to defy summary, the following will reconstruct its broad outline and provide a critical commentary.

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As Marcel Gauchet put it, the dual process of debunking anti-individualist forms of emancipation and focusing on a consensual humanism is sustained automatically by low level bureaucrats as well as by leaders (new militants, new journalists, new policies): if compassion calls for defense of the individual here and now, it becomes suspect, even criminal to insist on evaluating the situation rationally, and, consequently, on developing a vision of history not based on the individual. "To try to know and to understand is to want to stall the intolerable, to begin to deal with the unacceptable, to look for excuses for the inexcusable . . . . It could be objected that those emotional initiatives or those immediately adopted measures are only palliatives hindering solutions to the problems, drops of water that occlude the sea, to which one could respond that the little they represent is preferable to nothing, and that the absoluteness of values rules out inaction. This marriage of intransigence and modesty protects the outcome against all objections."

Human rights ideology is deployed as rational discourse, but it is ultimately predicated on religious foundations: as long as one believes in the immediate future, free of present sins, or at least some of them, one is obliged to consider heretical not only those who do not share its categories of analysis, but also those who allow themselves even to doubt, to think, or to vindicate a right to be indifferent when confronted with the world's miseries the media chooses to depict. The Kosovo war provides a recent illustration of this phenomenon: in a state of emergency, what cannot be discussed suddenly grows, and all those who still want to discuss these matters become automatically excluded, even though they may have always been brilliant and respected members of the intelligentsia.

The rise of the ideology of human rights must also be seen in the context of the long history of modernity. According to Gauchet, the latter is marked by the decline of religion, i.e., the transition from a heteronomic society structured by religious discourse to an autonomous one organized according to its own laws. The three phases of the disenchantment of the world are politics, law, and history. The appearance of modern nation-states in the 16th and 17th centuries, following the religious wars, meant the institution of a political framework independent of religion (the prince's independence from the pope, a principle of power independent from the divine). The juridical organization of nation-states constituted the second phase of this disenchantment: if power is autonomous and comes from below, it must codify the rules of coexistence for individuals, the latter becoming simultaneously the ultimate source of legitimacy

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(contractual individualism). Finally, the third dynamic element of this disengagement was through the ideology of progress: humanity became aware of the fact that it creates its own material and moral conditions.

During the first phase of modernity, which ended in the 20th century, human rights were not central, although they took the form of the instauration of universal suffrage or the acquisition of civil liberties. In fact, two phenomena hindered their rise in the process of autonomization. On the one hand, modern ideologies came about as secular, recycling fading forms of religious discourse, and dissolved the individual within the collective dimension of emancipation (nation, class, race); on the other, the historical process of individuation was not yet complete: if the abstract individual is now the ultimate reference point of dominant liberal and Marxist discourses, if the serialization of the masses allows the mediatization of personal opinions, if the economy dislodges one by one the old contexts of belonging and dependence, the first two industrial revolutions did not provide the context within which the concrete individual could emerge. The latter appeared in the second half of the 20th century, through the progressive personalization of mass consumption, the appearance of the subjective representations of the informational society, the procedural neutralization of law, the eclipse of the political and the sociohistorical as imaginary engines of this operation.

At the end of this long process, i.e., since the 1970s, human rights emerged as a functional substitute for old ideologies, within the context of social relations where the last forms of hierarchical obligation had disappeared — "sacrifice for the future, debt to the nation, obligation to the State, loyalty to the class." Hovering over a Western civilization now envisioning the future as a simple exponential reproduction of its techno-scientific and economic dynamism, human rights have become normative and prescriptive — a discourse concerning the "is" and the "ought," the ultimate morality of individuals aggregated in a collectivity. They have become "ideology" (in the Marxist sense of the term). Their generous generality and their "evangelical simplicity" allow for direct action without the burden of a theory of history, a social science or even goals.

Pragmatic in respect to compassion, indignation, and reparation, human rights tolerate social criticism, since they have come to focus on the passionate denunciation of the wounds of the present, which explains why they willingly feed into the inoffensive radicalism of the far Left, playing the role of the useful idiot of global capitalism. Similarly, the new dominant ideology willingly admits the "differences" inscribed within the

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framework of "egalitarian ethnocentrism." The "diversity of minor details" of this substanceless relativism is not the result of the recognition of value systems and of different ethno-historical experiences, but of their common absorption within a faded vision of "culture" and "civilization" reduced to mere ornaments, i.e., the postmodernist version of multiculturalism: everything has its price, the world as a pleasant supermarket of identities, etc.

Having reached this point of equilibrium and having overcome all totalitarian challenges, liberal modernity can now abolish whole sections of the historical process that led to its rise. Thus, the "spiritual demobilization" that followed the serialization of the masses: knowing one individual now reduces to knowing his social usefulness, without ever implying any general ideas of the society requiring this usefulness. Political democracy steps back in favor of expertocratic oligarchies: the attention given to individuals leads to a forgetting of the question of the society of these individuals, i.e., of the intelligibility and governability of the system as a whole. Autonomous thought, based on experience and reflection (which Kant identified with the very essence of the Enlightenment) gives way when facing the media's reproduction of fragmented information, infinitely diluted (because of its sheer amount), and most often reduced to its spectacular value and to its exemplary usage within the framework imposed by the dominant ideology.

Many conclusions can be drawn from this analysis, but only a few can be discussed. Concerned more with explaining the idea than describing the phenomenon, Gauchet purposefully left out certain aspects, like the media's rise to power or the impact of the third industrial revolution. Similarly, he seems to have deliberately neglected certain criticisms of human rights ideology, such as the following: unlike the US, France and Europe do not fully grant their citizens two most fundamental rights: freedom of opinion and freedom of speech. Now that Europe seems ready to draft a constitution, there is, for once, an overseas model to follow (the First Amendment of the American Constitution), as long as European citizens can mobilize in defense of rights that elites do not seem inclined to grant them.

Yet, there are two factors that Gauchet seems to have forgotten or minimized: economic overdetermination of the process of modern autonomization and the geopolitical dimension of the actual use of human rights.

Economic Overdetermination — Morality Custom-made for Capitalism

According to Gauchet, in order to understand the emergence and, even more, the hegemony of human rights ideology, it is necessary to

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place it within the context of the modern quest for autonomy. Strangely, he places this autonomy at the confluence of three different currents — political, juridical, and historical, completely ignoring economics. If one defines autonomy in terms of the rupture of relations of belonging and dependence which unite people, the capitalist economy appears as the phenomenon determining the process.

This reality was evident to Marx, and it is not enough to decry the use of "formal freedom" in the legitimation of 20th century totalitarian regimes in order to deny the heuristic value of this concept (in which case, it could be said that Nietzsche's philosophy should be rejected, simply because it was partially instrumentalized by the Nazis). As Marx wrote in *The Jewish Question*: "None of the alleged human rights extends beyond the egoistic man, beyond man as a member of a civil society, knowing the way man focuses on himself, on his private interest and caprice, the individual separated from his community. Although man had been considered, in regard to those rights, as a generic being, it is, on the contrary, generic life, society that appears to be a limit to individuals, an impediment to their original independence. The only link between them is natural necessity, need and private interest, the conservation of their property and their egoistic character."[2]

According to the Marxist critique, to the extent that they are satisfied to proclaim "equality within freedom," human rights promote only "formal freedom" — the freedom in question reproducing dominant power relations within society, while at the same time depriving it of its political dimension (vacuity of the "moral person" embodied in the "abstract citizen") and reducing it to the competition of calculating and egoistic individuals. These "natural" rights present man in a state of nature, which happens to be that of classical political economy: the "isolated monad," living under the burden of needs. It is also interesting that those who appeal to human rights are the same people who, in France, banned the corporations and prohibited the constitution of the working associations: in recent Western history, the active dislocation of communal dependencies (the march toward individual autonomy) cannot be separated from the transformation of the conditions of existence (land, money, work) into fictional commodities (Karl Polanyi). Of course, market societies grant their citizens more rights than any other societies. But, these rights are often those favoring capital's current interests. Thus, in the 19th century,

2. Karl Marx, "A propos de la question juive," in *Philosophie* (Paris: Gallimard, 1994).

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the right to vote was granted, but not the right to join labor unions at a time when the first industrial revolution had a dire need for an obedient labor force; in the 20th century, when capital sought to dissolve collective identities in order to create a mass market, social rights were granted, but not cultural rights, etc. Most of all, market societies deny their citizens the fundamental right to choose other societies, to the extent that the organizational principle (the self-regulating market) is beyond their reach.

As Louis Dumont has pointed out, Marxism did not avoid the optical illusion it accused the liberals of laboring under (the emancipation of the individual remains Marx's own horizon), and the leading role of economics in the genesis of modern individualist-egalitarian ideology. Since the 18th century, the economy was considered to be a "separate domain," owing its internal coherence only to its own laws, simultaneously autonomous from politics and morality, reducible to the activities of its individual agents as well as to humanity in general. The economic ideal of emancipation consists in prioritizing the relations of people to things over human relations: freeing individuals from hierarchy means providing them with equal access to material conditions necessary for their independence, assuming that all "normal" individuals prioritize their own interests. It so happened that this "normal" individual was the bourgeois, and the rise to power of the bourgeoisie presupposed the destruction (mainly economic) of the social structures of the Old Regime, which had delayed its political recognition. Thus, instead of the political path (Hobbes, Rousseau, Hegel), which sought to sublimate modern atomization by reinscribing the decayed holism within the framework of sovereign power, general will or historical laws enveloping all of society, the economic way (Hume, Mandeville, Smith, Ricardo, Marx) became the royal path of modern autonomy.

Human rights ideology appeared to be a natural extension of the individual's economic "emancipation": it confers rights without demanding any duties other than participation in the general unfolding of things, i.e., submission to distant, abstract, and, in any case, undecidable economic and technological mechanisms. This new servitude is certainly real, but it is perceived to be infinitely less burdensome than the old subservience to the concrete orders of hierarchical societies. Thus, from a socio-psychological viewpoint, the appearance of the economic individual does not contradict that of the moral individual, which characterizes human rights. In the formulation of the theory of moral sentiments, Adam Smith explains that self-interest is the foundation of sympathy for others, of those two human traits lying at the base of one and the same science (economics is

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founded exclusively on egoist impulse but, when considering human affairs in general, egoism flatters altruism, while both of them are willing to find in the other a mirror of joy rather than affliction).

The affirmation of autonomy in the economic sphere was a necessary step for the emergence of the capitalist world. But, in reality, this world has been trying to reconstruct the religious and political unity it had dislocated under the emblem of its own values and interests. The current fusion of representative democracy, market economy, mass media, and human rights morality represents the final phase of this historical process of reinterpretation. This is why human rights form the ideological base of the "just wars," waged by Western civilization against its adversaries. This leads to the second factor ignored by Gauchet.

The Geopolitical Factor — Rights of the White (and Rich) Man

Gauchet's question, which is a response to another article published in 1980, is: "Could human rights constitute a politics?" Here, he generally associates the internal logic of Western democracies to the "foundational declaration" of 1789. But, politics is only the organization of the latter in respect to a sovereign denied in moral, ideological, and religious matters: it is the power to protect the latter, i.e., to designate friends and enemies. If human rights are the integrating mechanisms within liberal capitalism, they also have a discriminatory virtue in international relations. This has been present since the very beginning: the republic of human rights can be traced back to the Napoleonic empire, as the fight of the "enlightened" revolutionary principles against the "obscure" powers of the old regime.

The rhetoric of human rights, symbolized by the repetition of great universal declarations (the Universal Declaration of 1948, the European Convention of 1950, Helsinki in 1975, etc.), began to rise after 1945, i.e., after the defeat of National Socialism, the division of Europe and the world into two antagonist blocks (Yalta), and the assertion of the already preponderant role of the US in international relations. In this respect, since the Cold War, human rights have played a consolidating role within the Western block in relation to the Soviet Union and non-allied countries.

After the fall of the Berlin Wall, from the Gulf War to the war in Kosovo, this geopolitical dimension of human rights ideology has become increasingly clear. It allows the West to designate, in accord with its economic, military, or strategic interests, the "rogue states" condemned to universal hatred by the media's presentation of a victimized suffering, invoking immediate reparation. This instrumental use of human rights in

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the context of a "just war" throws light on the permanent contradiction between the generous universality of the principles and the cynical selectivity of their application: why defend the Kuwaiti or the Kosovars, but not the Palestinians, the Kurds, or the Tibetans, who have been persecuted longer and much more? This is the nature of the double-sided discourse of human rights: maximalist in principle and minimalist in application; universalist in abstract formulation, ethnocentric in concrete implementation. Humanitarian interventions are legitimated by the desire for justice (and this desire is not an illusion — we all have it to a some degree), but they are always decided in relation to a realistic evaluation of the white man's and his allies' interests: the life of a Tibetan would not cost anything as long as China is a desired market and not a dangerous competitor. In turn, on the market, Tibetans would invoke the media's compassion, and their fate would justify all sorts of embargos and economic sanctions, even war.

From Chinese, Arab, or Indian leaders' viewpoints, human rights are, first of all, rights of white men to export their model of civilization, which renders them intelligible. But what if the Chinese, the Arabs, and the Indians were right? After all, Samuel Huntington has theorized this strategic use of human rights by describing one of the most remarkable characteristics of Western civilization (i.e., the US and Western Europe), which, according to him, is called upon to defend its hegemony from the emerging civilizations in a world that has become multi-polar. From a different prospective, the evolution of someone like John Rawls is equally significant. Confronted with his communitarian, populist, or republican opponents, the author of *The Theory of Justice* has refused to understand that the "principle of difference" (the double-sided demand for freedom and equality), which characterizes its "original position," is only important for well-ordained liberal societies," i.e., essentially, for European and American societies, which have gone through a secular process of internal struggle for the recognition of people's rights. Its further effort to define an international society predicated on "just principles" were nothing but an optimistic recycling of Kant's idealism.

In order for human rights to be something other than a tool of Euro-American geopolitics, they must become relevant throughout the whole planet. But this is not the case today. Contrary to Western societies, the international scene is not (ideally) reducible to a number of individuals sharing the same cultural horizon, but, rather, to a juxtaposition of collective agents: peoples, states, civilizations, diasporas, churches, cults, mafias, media, economic and scientific multinational corporations, etc. In

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this respect, the West is only one collective among others, and its power does not grant it any particular moral legitimacy. Besides, in the West, and despite the stubbornness of the opinion merchants (Gauchet's "new militants, new journalists and new politics"), the compassion for the fate of others remains closely related to the well-being of the benefactors. The emergence of human rights ideology coincides with a period of peace and, despite a long crisis, with relative economic stability: should people find themselves threatened physically, socially, and economically once again (which cannot be ruled out, even in the short run), the laws of necessity will settle the matter.

To the extent that the phenomenon of concrete individuation described by Gauchet is far from complete at the global level — the immense majority of people still live in hierarchical and more or less authoritarian societies — and to the extent that this individuation presupposes the generalization of a capitalist way of life, based on the intensive exploitation of people and resources, it becomes clear that the geopolitical use of human rights would necessitate their re-historization on a voluntary (the West recognizing the singularity of their civil and political freedoms and the plurality of people's rights) or involuntary basis (the West being forced to revert to the ethno-historical foundations of its universal discourse by emerging civilizations). Since the Kosovo war, a number of commentators have claimed that intervention was predicated on the fact that Yugoslavia is European and that the Europeans cannot tolerate the lack of human rights on their territory. The logic counterpart is that the Europeans could indefinitely defer their interventions on territories, irrelevant to their sovereignty, that do not threaten their security and are not part of the same historical tradition of human rights. Here is also the place to think more about the often used argument based on human rights and deployed in the refusal to admit Turkey to the European Union, which could very well be the fact (inspired by common sense) that there is a more fundamental cultural divergence between the Anatolian and the European worlds.

This dialectic of the re-historization of human rights takes the contradictions present in their very genesis back to two distinct and antagonistic currents: one leading back to individualist and universalist natural law, inspired by Christian metaphysics; the other, to the old European tradition of collective freedoms and of the individual free-choice confronted with absolute or illegitimate powers. In contemporary history, the desire for fundamental freedoms (opinion, expression, circulation, association, etc.) is rooted deeper than the will to extend them over the rest of the world.

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As Michael Walzer has argued, behind each particular morality there is a common goal, i.e., a set of fundamental precepts, which form the human intuition of justice, reflecting the empathy one experiences for the anguish of others and allowing moral judgments transcending the particular contexts within which they are made. The evidence for this is historical: no society has made the arbitrary murders of its members, the sadistic torture of its minorities, and the massacre of its enemies a permanent element of its collective morality. There is also scientific evidence: as all other social species, humanity develops cooperative modes of behavior, whose foundations are not cultural, but genetic (evolutionary laws, the selection of kinship, and reciprocal altruism). But, once recognized, this always leads back to the human condition, i.e., to human beings' particular inscriptions in the world: only a minority that has been socialized for a long time is considered to be a member of the human species (and it remains unknowingly a prisoner of its language). The truth about human destiny is its differentiation and fragmentation.

Like the universal, the particular knows excesses. Modern experience, borne out of the rejection of the "tyranny of particularism," has thus died in the "tyranny of universalism": the Bastille was shut down only in order to open concentration camps. Human rights ideology does not escape this dilemma — it is its expression: wanting to protect man for love of humanity ends up excluding all people deemed unworthy of this love. If the tyranny of universalism and the tyranny of particularism have become again the tragic perspectives of an always risky history, then, without a doubt, the latter is to be chosen. People can always escape the oppression of particular power, but not of its universal counterpart, seeking to emancipate them against their will.

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Divided Memories: Confronting the Crimes of Previous Regimes[1]

Heribert Adam

The Politics of Memory

Memory is not an objective fact, some stored data that can be downloaded or accumulated for later use. What is remembered and how events are recalled depends on social conditions. Interests shape individual as well as collective memory. This is why memory is a contingent social construction. As Ian Buruma has pointed out: "Memory is not the same as history and memorializing is different from writing history."[2] If the two are lumped together, the distinction between fact and fiction, truth and falsehood, is lost. Factual events must be distinguished from their interpretation. Especially in divided societies, opinions can legitimately differ about this interpretative and moral truth. Since, in a heterogeneous collectivity individual morals, feelings, and interests vary widely, it is difficult to assume a collective psyche. Without a collective persona, there hardly can be a collective memory. Only in a loose, metaphorical sense is it possible to speak

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1. This analysis is based on participant observation of the South African Truth and Reconciliation Commission (TRC) and frequent discussions with TRC Deputy Chair Alex Boraine and other commissioners. A shorter version of this paper was delivered as the opening address at a symposium on the Walser-Bubis dispute at Max Weber College at the University of Erfurt, and subsequently appeared in the *Frankfurter Allgemeine Zeitung* (June 24, 1999). An English version was presented at the Workshop on "Legal Institutions and Collective Memories," International Institute for the Sociology of Law, Onati, Spain (September 22-24, 1999), and at the Summer School, University of Cape Town (January 28, 2000). I have benefited from responses of these audiences, but particularly from astute comments by Jan Angus, André du Toit, Hermann Giliamee, Hanne Herkommer, Kofila Moodley, Wilke Thomssen, Pierre van den Berghe, and Bodo von Greiff.

2. Ian Buruma, "The Joys and Perils of Victimhood," in *The New York Review of Books* (April 8, 1999), p. 9.

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of a collective identity, a national character, or a collective memory.

Collective memory constitutes the accepted perceptions of past events in which the collective identity of a people is mirrored. This identity is influenced by the state's official definitions, rituals, and laws. The memorials a state erects, the national holidays selected, the museums subsidized, the politicians' speeches celebrating or mourning the past and defining a state's self-perception, all contribute to a collective memory that changes over time. Divided memories exist when sizable groups within the same state simultaneously attribute different meanings to the same history, just as individual witnesses to crimes or car accidents testify to the same event in surprisingly contradictory terms.

Ways of Remembering and Forgetting

It is difficult to generalize for all situations and all times. Perhaps the most useful generalization distinguishes between two kinds of remembering: progressive and regressive. Progressive memory inquires into past suffering with a view to preventing a future recurrence of past misery. It amounts to political education in the best sense. It results in politically literate citizens, whose current and future choices are guided by a historical awareness of their society, its misguided paths, wrong turns, and missed opportunities. Retrogressive memory locks people into vicious circles of past conflicts. History has become a set of mental shackles from which people cannot free themselves. They remember ancient battles, particularly lost ones, in order to gain revenge. This quest for revenge blinds its adherents to alternative options. When individual and collective identity is tied to wounds, never to be forgotten, its adherents become prisoners of their past.

In short, the valid exhortation not to forget should always be accompanied by two questions: *what* is remembered, and, particularly, remembering *for* what? Progressive remembering uses hindsight to draw lessons. It guards against repeating past mistakes. Retrogressive remembering aims at continuing a battle in the hope of eventually succeeding. Nationalist mobilizers dwell on this hope. They manipulate the mirage of victory, rescue events from remembered humiliation, and wipe out past degradation by following the rallying cry of the unified collective. Theirs is the false language of sacrifice in order to be free from the shame of the past in an imagined glorious future, even if the utopia causes renewed pain to adversaries and followers alike.

A criterion for progressive or retrogressive remembering is the collective attitude toward past political crimes. For this, there are no universally

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valid rules. Here it may be useful to explore how the problem has been dealt with in the past, how victims are recognized or compensated, how the new order seeks reconciliation between warring factions, and how to prevent repetition of an unsavory past.

Six forms of grappling with the past can be distinguished: 1. Amnesia (Postwar Germany, Japan, Spain, Russia). 2. Trials and justice (Nuremberg, Proposed International Criminal Court). 3. Lustration, i.e. disqualification of collaborators from public office (East Germany, Eastern Europe). 4. Negotiated restitution (Germany's reparations to Israel and compensations for forced labor, Canada's and Australia's negotiations about land rights of indigenous minorities). 5. Political re-education. 6. Truth Commissions (Latin America and South Africa).

Several of these strategies frequently are employed simultaneously or with different emphases over time. Of all cases, two countries are particularly relevant: Germany, because of its unique past, with Auschwitz as the universal paradigm of barbarism, and South Africa. The South African Truth and Reconciliation Commission (hereafter: TRC) deserves scrutiny for three reasons: it is a new experiment of restorative justice and nation building through reconciliation; it is often recommended as an international model for similar conflicts elsewhere, from Cambodia to the former Yugoslavia; its achievements are widely overrated outside South Africa, while largely dismissed inside. Among its problematic assumptions is the fallacy that "revealing is healing." Legislated reconciliation negates the proposition that only victims can forgive. The skewed composition of the TRC and its theological perspectives have affected its credibility. The quest for an official truth and common memory denies pluralist interpretations of history. Above all, the focus on gross human rights violations frees the many beneficiaries of apartheid from responsibility, and obliterates the structural violence of racial laws for millions of victims not recognized by the TRC process.

Amnesia

Up to the mid-1960s in Germany, the postwar period represents a typical example of official amnesia and private denial. Chancellor Adenauer, who was an anti-Nazi politician, nevertheless defended his heavily implicated aide, Hans Globke, with the demand in parliament, "to stop sniffing for Nazis!" Instead of honestly dealing with the shame of the past, it was not to be remembered. The focus should have been on the future and the rebuilding of the nation. Wallowing in a terrible past could not reverse it

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anyway. It was seen as a catastrophe, like a natural disaster, rather than as the result of political decisions. The Nazi period was portrayed as an accident of German history. "In the middle of the 1950s," writes Norbert Frei, "a collective consciousness had emerged that attributed solely to Hitler and his inner circle all responsibilities for the atrocities of the Third Reich."[3] Germans as a whole were regarded as a politically seduced people whom the war and its consequences also had turned into victims. To this day, May 8, is designated as "the day of liberation" by allied forces, implying that Germans were mainly victims of Nazi rule. Daniel Goldhagen's "willing executioners" had shrunk to a small minority. The active complicity and passive collusion of a silent majority was out of sight and memory. The "zero hour" slogan dismissed historical continuity, insisting instead on a newborn society that had no relation with the previous period.

In East Germany, official anti-fascism denied all links with the Nazi past. Since this economistic Marxist dogmatism saw the dark brown period as the result of capitalist crisis, the heroic rise of socialism in the anti-fascist struggle also had taken care of all fascist remnants. During the Cold War, the theory of totalitarianism reigned supreme in the West. The free West proudly distinguished itself from both brown and red totalitarianism. According to Helmut Dubiel, "the true scandal of German memorializing was not that the Nazi past was simply ignored, but immersed in the ideological competition between East and West."[4] Both states accused each other of failing to draw the necessary conclusions from history. Each side blamed the other for perpetuating conditions in which freedom was denied.

There are two main explanations for this postwar amnesia. The most widely accepted version holds that, given the scarce skills available, German reconstruction needed the help of Nazi collaborators. Thus, German rearmament in the 1950s would have been impossible without falling back on the expertise of previous officers. Large sectors of the collaborationist population needed to be integrated into the new democracy and could not have been marginalized. A second psychological explanation focuses on the subconscious reaction to collective trauma. A fragile collective identity — a weak ego — had to protect itself against an unbearable truth by repressing and rationalizing it. Adorno pointed to the paradox that the collapse of the Nazi world had not registered in the population's psychic disposition, and drew the questionable conclusion that

3. Norbert Frei, *Vergangenheitspotitik. Die Anfänge der Bundesrepublik und die NS-Vergangenheit* (Munich: Beck, 1996), p. 405.

4. Helmut Dubiel, *Niemand ist frei von der Geschichte* (Munich: Hanser, 1999), p. 405.

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this proved the survival of Nazi mentalities: "What is missing when collective identities unravel, according to the theory of 'Mass Psychology and Ego Analysis,' is the phenomenon of panic. Unless one wants to dismiss the insights of the great psychologist, this allows for only one conclusion: that the old identifications and collective narcissism were not destroyed, but remained secretly dormant in the unconscious and therefore particularly powerful."[5]

It could also be argued that the Nazi identifications were not as deeply internalized, and that the awareness of injustice was more widespread than Adorno acknowledges. Otherwise, the allied democratic reeducation could not have been so successful. As critical studies in the tradition of *The Authoritarian Personality* have proven, this character type is shaped more by conformity pressure than by internalized ideological convictions. With the change of power holders, the dominant attitudes of characters with weak egos also change. They replace easily one ideological doctrine with an opposite, equally authoritarian master narrative. Therefore, while attitudes cannot be legislated, discriminatory behavior at least can be constrained by being outlawed.

It was not until the late 1960s that, spurred on by the student revolt against authoritarian traditions and general politicization, children of the war generation began to raise questions about the past. Debates about the statute of limitation of prosecutions after widely publicized trials of concentration camp guards under German jurisdiction, along with moving personalized films about the Holocaust, also evoked new interests. Yet, another generation later, the meaning of the past has never been more intensely debated. Starting with the 1986 dispute among academic historians about the comparability and relation between Stalinist and fascist terror,[6] and continuing with the 1996 Goldhagen controversy,[7] the 1998 Walser-Bubis argument,[8] and the simultaneous controversial exhibition about the implication of the German army in the war atrocities against the

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5. Cited in Jicama Perels, "Die Zerstörung von Erinnerung als Herrschaftstechnik. Adornos Analysen zur Blockierung der Aufarbeitung der NS-Vergangenheit," in *Leviathan*, Sonderheft 18 (1998), p. 58.

6. Hans-Ulrich Wehler, *Entsorgung der deutschen Vergangenheit* (Munich: Beck, 1988).

7. In Wolfgang Wippermann, *Wessen Schuld? Vom Historikerstreit zur Goldhagen-Kontroverse* (Berlin: Elefanten Press, 1997).

8. In Gert Wiegel and Johannes Klotz, eds., *Geistige Brandstiftung? Die Walser-Bubis Debatte* (Cologne: Papy Rossa, 1999). See also Joachim Rohloff, *Ich bin das Volk. Martin Walser, Auschwitz und die Berliner Republik* (Hamburg: KVV Konkret, 1999).

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civilian population,[9] the past is constantly being re-evaluated.

There is probably no other country which scrutinizes its collective memory so thoroughly. An 11 year debate about a central Berlin memorial for the victims of Nazism[10] culminated in a parliamentary debate in June 1999 with the decision that a) the Eisenmann memorial should be built, b) that it will be dedicated exclusively to European Jews, and c) that it should also have an information and learning center attached to it. All political parties were split on this issue, and the overwhelming supporting vote surprised everyone, including the head of the German Jewish Council, the late Ignaz Bubis, who had predicted that the memorial would never be built.[11] The support for the huge Eisenmann monument also revealed a substantial discrepancy in public opinion surveys. These had indicated a split population: 46% for and 44% against the memorial, with 93% of supporters in favor of its dedication to all Nazi victims. Parliament's decision to dedicate it exclusively to European Jews indicated that concern about negative foreign reactions outweighed local opinion.

Behind the German debate about whether the nation should define itself as a "normal" polity stands the question whether the unified state should also shed constraints on its "moral sovereignty." Full political sovereignty was restored with resocialization into Western democratic habits. Later in 1989, national unification within Europe was the crowning achievement. A growing number on the political Right and Center now wishes to shed the moral inhibitions resulting from the Nazi legacy. Until the recent involvement in Bosnia and Kosovo, the country had shirked its international responsibility by pointing to its unique history 60 years ago.

How can this process of redefining collective memory be evaluated? Is the decision for the Holocaust memorial the acknowledgment of collective moral and political responsibility, although "Germans collectively do not bear criminal and moral guilt"?[12] Is it an official rejection of the earlier Walser warning about the "banality of good," the instrumentalization

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9. Hans-Günther Thiele, ed., *Die Wehrmachtsausstellung. Dokumentation einer Kontroverse* (Bremen: Temmen, 1997); and Hamburger Institut für Sozialforschung, ed., *Eine Ausstellung und ihre Folgen* (Hamburg: Ifs, 1999).

10. Peter Reichel, *Politik mit der Erinnerung. Gedächtnisorte im Streit um die nationalsozialistische Vergangenheit* (Frankfurt: Fischer, 1999); Michael S. Cullen, ed., *Das Holocausts-Mahnmal. Dokumentation einer Debatte* (Zurich: Penta,1999); and Michael Jeismann, ed., *Mahnmahl Mitte* (Cologne: Du Mont, 1999).

11. "Interview," in *konkret* (Feb. 1999).

12. Aryeh Neier, *War Crimes: Brutality, Genocide, Terror, and the Struggle for Justice* (New York: Random House, 1998), p. 228.

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of Auschwitz for ulterior purposes? Or is the victory of the seemingly progressive remembrance of shame merely the monstrous tombstone in the final burial of an embarrassing past, just as Walser had advocated to the applause of the establishment in the Paulskirche?

The Berlin memorial seems to fulfill the function of visibly exculpating the new "Berlin Republic" from past nationalist ambitions. With narcissistic self-congratulations, the debate lays to rest the Nazi legacy by demonstrating that the self-confident unified state successfully has come to terms with its shame — just as the victims wished. "The more unique the German crimes, the greater their own achievement of collective cleansing," comments Gerd Koenen sarcastically. Hermann Lübbe speaks of "*Sündenstolz*," the German pride in their sins. Just as minorities everywhere clamor for the "vicarious virtue" of victimization, so the German political elite of all parties is now keen to demonstrate the opposite: that it has mastered the much more intricate task of coming to terms with being the worst collective perpetrator in history.[13] This negative uniqueness, the ritual acknowledgment of the Nazi break with civilization (*Zivilisationsbruch*), is now almost paraded as a feature of the new national identity as interesting as the positive achievements of the economic miracle after total destruction in 1945. A shameful past as nationalist exhibitionism would be the other side of the dubious coin of denial and amnesia.

In his study of parliamentary debates, Dubiel diagnoses a correlation between "the inability of Germans to accept collective responsibility for their history and their underdevelopment of democratic virtues."[14] However, neither was postwar German amnesia a specific German characteristic, nor does historical denial of collective infamy stand in a necessary relation with the development of democratic culture. Until very recently, Britain, France, and Holland had buried their colonial crimes; yet they are still considered to be model democracies. The US still lacks a single national memorial to slavery or to the near genocide of the aboriginal people. Nations memorialize their own suffering, but not what they inflict on others. The Washington Vietnam memorial lists all the names of the Americans casualties, but not that of a single Vietnamese.

In Japan, history textbooks do not mention the atrocities of the imperial army in Korea and China. *The Rape of Nanking*, Iris Chang's English best-seller about the murder of 300,000 inhabitants, has not been published in a Japanese translation and is bogged down in arguments about its

13. Buruma, "The Joys and Perils of Victimhood," *op. cit.*, p.?
14. Dubiel, *Niemand ist frei von der Geschichte*, *op. cit.*, p. 288.

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accuracy.[15] The Tokyo government rejects any acknowledgement, despite the worldwide feminist concern with thousands of so-called "comfort women." Recently, the official designation "capitulation" was changed to the more neutral "end of the war." National guilt is considered to be absolved by the first atomic bomb dropped on Hiroshima and Nagasaki.

After major political transformations, many nations rationalize their guilt with new myths. In Austria, collective memory redefined the popular enthusiasm for Hitler into "forced unification" (*Zwangsanschluss*), thereby portraying collaboration as victimhood. In France, only the recent trials against Vichy collaborators have undermined the popular myth that half of the French population had joined the underground resistance against the German occupiers. Spain has totally avoided coming to terms with its 40 years of the Franco dictatorship, because it would re-open the wounds of the civil war. Paradoxically, Germany has apologized for Guernica and paid compensation, but not the Madrid parliament. Turkey still cultivates its cherished taboo that the Armenian genocide never happened and is an invention of foreign propaganda.

The 80 to 100 million victims of Stalinism still wait to be rehabilitated and even properly recognized. *The Black Book of Communism*, published on the 80th anniversary of the October revolution, met a hostile reception on the Left,[16] similar to the earlier exposure of communist crimes by Arthur Koestler, Alexandr Solshenytzin, Robert Conquest, and François Furet.[17] Pretending that Marxism-Leninism had a rational, humanitarian goal, while Hitler's biological master narrative was by definition irrational, should not preclude comparisons with the racial genocide here and class genocide there. Fascist crimes are not relativized or trivialized by comparing them with Stalinist terror.

The sketch of varied collective responses to past state crimes allows some general conclusions. Grappling with the past is not a necessary precondition for a functioning democracy. As Michael Ignatieff has written: "All nations depend on forgetting: on forging myths of unity and identity that allow a society to forget its founding crimes, its hidden injuries and divisions, its unhealed wounds. It must be true, for nations as it is for

15. Iris Chang, *The Rape of Nanking: The Forgotten Holocaust of World War II* (New York: Basic Books, 1997).

16. Stéphane Courtois et al., eds., *The Black Book of Communism* (Cambridge, MA: Harvard University Press, 1997).

17. See Horst Möller, ed. *Der rote Holocaust und die Deutschen. Die Debatte um das "Schwarzbuch des Kommunismus"* (Munich: Piper, 1999).

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individuals, that only so much truth can be accepted. But, if too much truth is divisive, the question becomes how much is enough?"[18]

Public interest in a shameful past does not fade away among later generations, unlike their parents engaged in denial. Because they are psychologically incapable of admitting the enormity of their involvement with state atrocities, they carry no personal guilt. Paradoxically, public interest in and recognition of national crimes seems to increase over time. Subsequent generations feel free to accept collective responsibility for the sins of their ancestors, although motivations differ in each context, and divided memories prevail.

In their eagerness to prevent the gruesome past from haunting the future, well-meaning social engineers seek to create "a common history" between hostile groups. In their most extreme form, they repress past hostilities, as Tito did with the enforced slogan "Brotherhood and Unity." Such totalitarian designs are the surest recipe for renewed conflict. "By repressing the real history of the inter-ethnic carnage between 1941 and 1945, the Titoist regime guaranteed that such carnage would return."[19] A pluralist interpretation of history may achieve a shared truth at best, or may reinforce divided memories at worst. History as an ongoing argument is still preferable to the myth-making of official collective memory.

Trials and Justice

Prosecution of perpetrators of human rights violations requires clear victors and vanquished. Where there is a stalemate, as in South Africa or in Chile, between democrats and the military, historical compromises and amnesties are negotiated. Prosecutions most likely would provoke new violence and even endanger the survival of the emerging democracy.

Apart from the morality of pursuing justice for its own sake, there are good pragmatic reasons for trials of political criminals. Neier has expressed the most convincing reason: "When the community of nations shies away from responsibility for bringing to justice the authors of crimes against humanity, it subverts the rule of law."[20] If the victimized see no one held accountable, they may seek revenge on their own, and continue the cycle of violence. Prosecution of individual perpetrators also counteracts the misleading notion of collective guilt. Individualizing guilt does not

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18. Michael Ignatieff, *The Warrior's Honour. Ethnic War and the Modern Conscience* (Toronto: Penguin Books, 1998), p. 170.
19. *Ibid.*, p. 185.
20. Neier, *War Crimes*, *op. cit.*, p. 213.

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smear the name of an entire group. Finally, indictments by the proposed International Criminal Court (ICC) cannot be accused of "victor's justice." However, there are also pitfalls to be avoided. If a sovereign state can head off ICC prosecution by bringing alleged war criminals before its own courts, a fair trial depends on the independence and quality of its judiciary. This spectrum can range from biased judges of the old order (as alleged in South Africa) to an internal "victor's justice," where the judiciary has been purged and replaced with partisans of the new regime.

The ICC would be emasculated if prosecutions could be launched only with the consent of the states where the crime occurred or the alleged criminals live. A similar paralysis would ensue if vetoes by Security Council members could block prosecution indefinitely. NATO's unilateral military intervention in Kosovo without UN approval already responded to this predicament. NATO's "military humanitarianism" postulated that gross violations of universal rights within a sovereign state necessitates outside intervention in the same way as an aggression against a foreign territory would justify war in self-defense. The NATO action, Jürgen Habermas argued, anticipated a world citizenship that unfortunately does not yet exist as an enforceable order.[21]

If the ICC were to be the first practical indicator of a more effective world order for universal human rights, it would be even more imperative to prevent "core" crimes, rather than merely to punish violators afterwards. It is doubtful whether the threat of indictment is sufficient to restrain future Pinochets or Milosevics. In fact, the opposite might happen. Faced with the prospect of being imprisoned in The Hague, future dictators may cling to power strenuously, resulting in more victims, rather than abdicate or remove themselves into unsafe exile.

A giant step toward prevention of crimes against humanity could be the establishment of a similar international tribunal (or the inclusion of the task into ICC duties) to which aggrieved minorities could appeal for redress. The world lacks an impartial forum to which oppressed groups formally can turn for action against their government. With the realistic prospect of judicial relief by an international body, armed resistance and civil war would be discouraged. Should a sovereign state refuse to heed the verdict of the tribunal on the treatment of minorities, a variety of sanctions could be meted out. The state's chief representatives could even be indicted for contempt of court. While the European Court in Strassbourg

21. Jürgen Habermas in *Die Zeit* (May 6, 1999).

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already hears complaints against unjust treatment by European governments, and the International Court of Justice pronounces on inter-state disputes, aggrieved national minorities need to be offered a similar legal alternative to taking up arms.

Lustration

The term lustration frequently is used to describe all actions against former regime affiliates, from violent or lawless purges to formalized procedures, to a mere "ceremonial cleansing" of the new order.[22] Here, it is used in a narrower sense to define the regulated screening of collaborators for disqualification from public office. Victors have tended to establish categories of guilt and responsibility to which varying sanctions correspond. Typical examples are denazification procedures in postwar Germany, and "destasification" after German reunification.

Attitudes of the general public show remarkable similarities between the two cases 55 years apart. Karstedt notes an initial strong approval of punishment of the top decision makers and beneficiaries, but a readiness to exempt ordinary party members and recipients of orders in the lower echelons.[23] This reaction reflects and reinforces the notion of a "betrayed people." A small clique can be blamed, while the collusion or silence of ordinary people is transformed into their being victims as well. With time, the call for indictment of the leadership fades, and a general atmosphere of closure of the past takes hold.

Lustration is only possible when the previous regime's records reliably document collaborators. Disqualification for public office also presupposes the availability of sufficiently skilled substitutes. This was the case after German reunification, where the Eastern part was taken under the economic and bureaucratic tutelage of the West. In South Africa, the continued employment of apartheid administrators in the civil service for a while was not only part of the negotiated settlement, but also a necessity in the absence of sufficiently trained personnel of the new order.

Restitution and Compensation

Even established democracies pay reparations to victims, mainly under political pressure, but rarely out of moral commitment or guilty

22. Susanne Karstedt, "Corning to Terms with the Past in Germany after 1945 and 1989: Public Judgements on Procedures and Justice," in *Law & Policy*, Vol. 20, No. 1, (January 1998), pp. 15-56.

23. *Ibid.*, p. 43.

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conscience. Thirty-five years after the establishment of internment camps for Japanese-Canadians during WWII did the Canadian government finally pay a meagre average amount of $20,000 to survivors. Reparations amounted only to a symbolic restitution of expropriated property.[24] Another dynamic is at work with regard to long-standing grievances of native peoples. Canadian courts have found the main churches and the federal government "jointly liable" for horrific sexual abuses of thousands of aboriginal children, who were sent to religious boarding schools as part of a government effort to assimilate native youth. Hundreds of former students have filed individual and class-action suits, seeking damages for their suffering, inflicted mostly by Roman Catholic and Anglican church officials. In the case of land claims, and hunting and fishing rights by aboriginal groups in both Australia and Canada, powerful moral pressure is exerted. The scattered Canadian native population possesses neither the voting strength, physical power, nor the economic clout to force the national government to recognize its historical grievances. Yet, despite strong opposition from influential oil, mining, and forest companies, Canadian courts have recognized aboriginal land claims, and have forced governments to enter into good faith negotiations about the transfer of large tracts of crown land to native jurisdiction. Preferential fishing and hunting rights have long been granted, despite strong local voters opposition and concern for conservation measures. Australia has even instituted a symbolic national "Sorry Day" to create a collective memory of the country's illegitimate conquest by foreign settlers.

At work here is the moral politics of embarrassment. A state is forced by relatively powerless groups into a clear choice: either to forfeit its claims of a model democracy, based on the rule of law, or to live up to broken treaties and admit historical injustices. Since Canada proudly markets itself as an anti-colonial, multicultural model, it can hardly allow itself to be exposed as practicing open internal colonialism. With the help of legal assistance by sympathetic lawyers, even powerless minorities can

24. Similarly, the Chinese Canadian National Council has been lobbying the Canadian government in vain for redress of the Chinese "head tax" since 1984. This racist legislation, enacted July 1, 1923, imposed a special tax only on Chinese immigrants. It was meant to deter further Asian immigration, at the time regarded as the "yellow danger." However, since wealthy Asian immigrants are now courted by the Canadian government, and only a few hundred head-tax payers survive, the government can ignore calls for compensation of the $23 million extracted by the tax. The diverse Canadian Chinese community does not like to be reminded of its unwelcome past in the country which many now consider to be a home of unlimited opportunities, and in which they no longer need their "grandparents money."

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exercise power over indifferent governments. The Canadian state even bears the costs of the court challenges against itself, and finances research into further claims in the name of historical injustice.

Reintegration into the international community motivated substantial German reparations to Israel and individual Jewish victims at the beginning of the 1950's, despite disapproval of the majority of the electorate. Foreign policy considerations also play a major role in the contentious question of German compensation for an estimated 1 million out of 8 to 10 million survivors of forced labor in Nazi Germany. Paradoxically, it was globalization that made the German side vulnerable to boycotts abroad, and adverse court judgments in the US. Like the Swiss banks and insurance companies that had to account for Nazi gold transfers, German industry is faced with huge claims by US lawyers of the influential Claims-Conference. Ongoing negotiations, coordinated by the Chancellors office, not only concern the amount of reparation to be paid into a Foundation Fund, but above all the legal exclusion of future claims, whether individual restitution should be paid to the needy only, whether national wage levels and differential living costs should be taken into account, and whether the compensation should be based on underpaid wages or the suffering of Nazi slave laborers.

Although the German government promises to treat all claimants equally, it can be expected that the strength of their lobby and the status of their government play a decisive role. Sinti and Roma, unorganized gays, or Jehovah's Witnesses will surely be shortchanged in the end. Claims of US citizens will be given greater weight than those originating from Eastern Europe. Only the end of the Cold War made these demands possible. "Individual Nazi victims play a minor role in the calculation of East European states in light of their own interests in German support and therefore receive less endorsement from their own government than comparable claims originating from the US."[25]

Even in a state with a government of liberation, the liberated victims cannot be sure to receive material reparations. The South African government has so far ignored the recommendations of the Truth and Reconciliation Commission (TRC) to pay 20,000 recognized victims a modest amount of R20,000 for six years. At the same time the TRC process illustrates the danger of establishing a hierarchy of victimhood. TRC advocates praise the involvement of broad sectors of society in providing

25. Constantin Goschler, "Offene Fragen der Wiedergutmachung," in *Leviathan*, No. 18 (1998), p. 49.

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information. The communal experience of public hearings, of being listened to and officially recognized as victims, is said to be as important for the healing of trauma as the testimony itself. Unfortunately, this broad involvement also raises false expectations. In South Africa, one hears disappointment that no follow-up took place, and particularly that the expected compensation for suffering has not materialized. However, the TRC, with limited resources and a limited life span, had not been empowered to fulfill the expectations it raised. It could only make recommendations to the government, which was free to accept and, more likely, to "fudge" even the modest TRC suggestions. ANC leaders now cynically argue that liberation should not be reduced to material benefits.

Speculations that "the palpable insufficiency of reparations could stoke fires of revenge or further victimize the victimized as trivializing their harms or suggesting a payoff for silence"[26] do not apply in South Africa. Since a government of victims is responsible for non-payment it would be a rejection of their own representatives, and nobody is co-opted into silence. Those 20,000 recognized by the TRC as theoretically eligible for compensation are envied by the millions of ordinary victims of apartheid laws who did not fall under the legal category of "gross violations." Their suffering, caused by the expropriation of the Group Areas Act, low wages under the discriminatory labor policy, and arrests under the Pass Laws, is trivialized by not being worthy of restitution under TRC legislation. In short, by focusing solely on the illegal transgressions of illegitimate laws, the TRC legislation ignores the structural, legal violence of a racist system. As Mahmood Mamdani argues, the TRC concerned itself mainly with a select group of victims, instead of beneficiaries.[27]

Re-education

Memory politics frequently includes conscious measures for re-education, from re-writing of history books to exchange programs and the official re-definition of collective identity. At the height of the Kosovo war, Daniel Goldhagen recommended, as the only lasting solution, the occupation of Serbia and the resocialization of the population, as had happened after the war in Germany and Japan. Others emphasize the importance of focusing on the suffering of the adversary, rather than on group

26. Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon Press, 1998), p. 132.

27. Mahmood Mamdani, "Reconciliation Without Justice," in *Southern African Review of Books* (November/ December 1996).

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pain in order to achieve empathy and tolerance through a shared history.

Education for mutual understanding always deserves support, but must not be overrated in its impact. Another educational method promises greater success: strengthening the self-confidence of adolescents by developing their critical consciousness and rules of negotiated conflict resolution. The lessons of Auschwitz do not lie in repeating empty rituals of remembrance or in indoctrinating collective guilt. Political education in the next century must go beyond Auschwitz, by keeping alive an awareness of and sensibility to future injustice. The lessons of Auschwitz are best preserved by exposing the pervasive dispositions for racism and discrimination.

The ashes and corpses of previous victims are best honored by providing the living with insights about the causes of their fate. In Germany, that should include all victims of Nazism, not only Jews. To be sure, Jews were the most numerous victims, and, in the Nazi paranoia, their most dangerous enemy. A "final solution" was designed only for Jews. Yet, it is wrong to dedicate the Berlin memorial exclusively to Jews, as the German parliament decided. Promises of similar memorials for other victims elsewhere leads to rivalry and establishes a hierarchy of suffering. Germany again makes selections among victims. Above all, the false impression is created that the motivation for the murder of Jews was based on their particular behavior. Yet, Jews as scapegoats were interchangeable.

Memorialization by means of an official monument always suggests the Nazi past has been laid to rest once and for all. Some consider such finality an advantage. A truth commission "fails to create potential closure afforded by criminal trials that end in punishment."[28] However, continuing soul-searching should be welcomed rather than regretted. Political education is advanced by disputes over interpretations of past events that are easily relegated to oblivion with the closure of an authoritative judgment. The more controversial a memorial in the center of Berlin, the better for raising consciousness. It ought to hurt as a thorn in national self-satisfaction rather than to please it. The German memorial cannot be, as the glib suggestion of Chancellor Schröder implied, "a place one likes to visit."

The central memorial need not even be confined to Nazi victims. Fascist mentalities survive among an alienated minority in the form of xenophobia and violence against foreigners, particularly in the former East

28. Minow, *Between Vengeance and Forgiveness*, *op., cit.*, p. 127. On the fallacy of closure, see also Heribert Adam, "The Presence of the Past: South Africa's Truth Commission as a Model?" in Abdulkader Tayob and Wolfram Weisse, eds., *Religion and Politics in South Africa* (Münster: Waxmann, 1999), p. 139 - 58.

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Germany, where hardly any foreigners lived before. To highlight this continuity, the memorial could open itself to the future and engrave the names of all foreigners murdered for racist reasons in the post-fascist state. To be sure, this everyday racism amounts to individual deviance, and not the Nazis' state criminality. It is important to stress this difference, because racism is frequently viewed as always originating from fascist social conditions. The East German skinheads, who harass "others," know that they will not be tolerated by the state. They embody a syndrome similar to hate crimes in London, Paris, or Toronto.

How and under what conditions such universal individual predispositions emerge and are successfully mobilized in a mass movement for genocide could be illuminated by the uniqueness of Nazi crimes. In this way, the "normal society" of the "Berlin Republic," because of its abnormal past, could prove to itself and the world that it has learned to mourn all victims of discrimination.

Truth Commissions

Truth Commissions were first established after the successors of the military dictatorships in various Latin American countries came under pressure to reveal the fate of thousands of alleged dissidents who had disappeared. The TRC differed from its Latin American counterparts by being established as an act of Parliament, rather than by presidential decree, by holding open hearings instead of in camera investigations, and by making amnesty dependent on full disclosure by the perpetrators. The SA TRC sees itself in the tradition of "restorative justice," foregoing punishment in favor of reconciliation. Assuming that "revealing is healing," encounters between forgiving victims and remorseful perpetrators were meant to achieve the ambitious goal as the only alternative to continued strife.

Because of the stature of the TRC's chair, Desmond Tutu, his hopes and predictions have even entered academic literature as empirical facts. Thus, Gesine Schwan credits the TRC with "having engendered pity, empathy and remorse on the part of perpetrators by being confronted with the unspeakable suffering of victims."[29] That was the TRC hearings' intention, but it actually occurred only in rare cases. Interestingly, two of the worst killers, Eugene de Kock, dubbed "prime evil" by the South African media as commander of the special Vlakplaas police unit, and his predecessor, Dirk Coetzee, fall into this category of remorseful

29. Gesine Schwan, *Politik und Schuld* (Frankfurt: Fischer, 1997), p. 245.

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converts.[30] However, in most other cases, apartheid's assassins tried to save their skin by applying for amnesty or turning state's evidence without acknowledging any moral turpitude.[31] The public shaming of confessing perpetrators presupposes a moral reference group sharing the shame. This is doubtful when exposed killers retreat into ethnic enclaves for whom they committed their crimes and whose dominant attitudes range from understanding to open sympathy.

Typically, perpetrators acknowledged suffering caused or even expressed coded regret but rationalized their deeds in terms of the political climate at the time or their assigned role in the apartheid machinery. Like their political leaders in the National Party, genuine acknowledgment of guilt or acceptance of responsibility was not forthcoming. None offered private compensation within their means. Indifference towards the plight of victims was also displayed by black perpetrators on the other side, most prominently by Winnie Madikizele-Mandela. Despite an embarrassing beckoning for a sign of remorse by the TRC chair, she finally complied only half-heartedly and reluctantly. The ANC leadership as a whole has yet to remove from office cadres within its ranks for admitted human rights abuses. The ANC only took collective responsibility for "excesses" in the heat of the struggle. In fact, Mbeki criticized the TRC for its "erroneous determination" that indiscriminate bombings or the taking of civilian hostages constitute human rights violations. The TRC findings were seen by the ANC as an attempt to "criminalize a significant part of the struggle of our people for liberation."[32] The TRC was accused of elevating the ANC's unfortunate "collateral damage" in pursuit of a just cause to the moral equivalent of defense of an unjust one. To its lasting credit, the TRC has always insisted that no such moral leveling was intended or indeed possible, but even in the fight for a just cause, Geneva Convention rules of justice have to be upheld.

The South African debate has confirmed Ignatieff's insight from the Yugoslav conflict that it is relatively easy for both sides to acknowledge each other's pain. "Much more difficult — indeed usually impossible — is shared acknowledgment about who bears the lion's share of responsibility.

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30. Eugene de Kock, *A Long Night's Damage. Working for the Apartheid State* (Saxonwold: Contra Press, 1998).

31. Jacques Pauw, *Into the Heart of Darkness. Confessions of Apartheid's Assassins* (Johannesburg: Jonathan Ball, 1997).

32. Mbeki, various press reports during the TRC debate in Parliament (February 1999).

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For if aggressors have their own defense against truth, so do victims. People who believe themselves to be victims of aggression have an understandable incapacity to believe that they too have committed atrocities."[33]

While Truth Commissions can confirm an atrocity, they usually fail to establish a common interpretative truth. This moral truth of who is responsible and why it happened is always heavily contested. Divided memories prevail, because truth is tied to institutional and collective identity. Apportioning blame in a moral narrative affects the standing of a political party or the self-respect of a people. Even if something is an obvious truth to any "objective" outsider, it is far from acceptable to an insider. For a member of the in-group, the myth about the others or the goodness of their own is not just a tissue of lies that can be unmasked. This identity is a daily reality to be lived by, a lens through which the world is interpreted, and a tool to make sense and give meaning to life.[34]

Particularly if truth is imposed from outside, it is rejected. Foreigners therefore should refrain from interpreting history for indoctrinated locals, no matter how high their standing outside and how good their intentions. It is also wise to guard against internal exiles, people of the same ethnicity but little ideological credibility among their own group: human rights activists or cosmopolitan minds who are viewed as sympathetic to the enemy. If collective identity is to be successfully redefined, it must be communicated by credible ideologues of the inside. If a few respected opinion leaders can be won over to the painful truth, their standing alone assures susceptibility, or at least stimulates some initial doubts about dearly held positions. The TRC neglected to enlist such figures from the Afrikaner intellectual or religious establishment. Unlike the Chilean Commission with 4 members of the old and 4 of the new regime, none of the 17 member SA TRC belonged to the formerly ruling National Party (the two Afrikaners on the Commission were members of rival parties and were isolated among the rest of the ANC-oriented staff). This skewed composition of the TRC, comprised of otherwise well-intentioned people with predominantly legal qualifications or theological training, nevertheless compromised the reception of its findings. It almost promises better

33. Ignatieff, *The Warrior's Honour*, *op. cit.*, p. 176.

34. As Ignatieff has stressed: "It is unreasonable to expect those who believed they were putting down a terrorist or insurgent threat to disown the idea simply because a truth commission exposes the threat as having been without foundation. People, especially people in uniform, do not easily or readily surrender the premises upon which their lives are based." *Ibid.*, p. 173.

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results to appoint reasonable hardliners from both sides to argue about a shared historical truth in the calm of a committee room than to select presumable non-partisan, "objective," politically low-profile representatives of various stakeholders, as the South African legislation stipulated. Should ethnic fundamentalists achieve some minimal consensus, they can communicate their controversial compromise more effectively than even Nobel-prize winning personalities. In fact, the more the outside world courts leaders or heaps praise on interlocutors, in order to strengthen their difficult reconciliation, the more suspect they become among their followers. Bestowing honor should wait until results have been achieved.

The South African historic compromise initially benefited from having a range of credible leaders on both sides. With little internal democracy and authoritarian traditions in both the ANC and the NP, followers trusted their leaders blindly. Mandela and Slovo could sell a controversial negotiated settlement to their skeptical constituency on the basis of their hallowed record of suffering and militancy. The conservative, cautious de Klerk was given an overwhelming mandate to negotiate, because nobody suspected his team would surrender all political power in exchange for preserving economic privileges. However, more than sanctions and rising costs of minority rule, it was the very nature of racial domination that distinguished South Africa from Yugoslavia. Mobilized ethnic identity in the Balkans prevented reconciliation, while discredited racial identity in South Africa facilitated compromise. Long before negotiations started, the system had been delegitimated from outside as well as inside. Most Afrikaner intellectuals had defected from the ruling group and championed "reform."

Furthermore, economic interdependence limited ruthlessness in apartheid South Africa. Terror was not applied indiscriminately against all members of an outgroup, as under fascism or the ethno-nationalist strife of Yugoslavia, but mainly against political activists. The vast majority of "non-whites," though heavily discriminated against, could escape direct attacks on their life by being apolitical and by complying with "the law." Unlike fascism, apartheid ruled through a supposedly equal legal system, rather than placing its victims outside the law as rightless persons. In such a context, racial discrimination does not lend itself to the same group cohesion and collective trauma as ethnic mobilization. Unlike Nazi ideology, based on imagined national blood bonds, apartheid needed to racialize culturally different whites in order to unify a weak demographic base, but ethnicize blacks in order to divide and rule. This artificial and imposed social engineering had to fail because it lacked the freely

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embraced legitimacy of ethno-nationalism elsewhere. When the Cold War ended, Eastern European leaders turned successfully to previously suppressed nationalisms to fill the ideological vacuum. In South Africa, costly segregation could finally be abandoned, because the elites of both sides benefited from reluctant co-operation. In short, the discredited racism lacked the appeal of a just cause, because even apartheid advocates had come to see blacks as victims while the humiliated colonized eschewed vengeance in the name of non-racialism and reconciliation.

A once powerful Afrikaner nationalism had become a victim of its own economic success through state patronage. Once a mild African nationalism merely claimed political power and civil service positions without threatening the accumulated wealth and relative cultural autonomy of its historic adversary, Afrikaner nationalism unravelled into heterogeneous interest groups and different identity definitions without a common enemy. Graves of ancestors, territory acquired in ethnic cleansing or conflicts over holy sites, as in other nationalist conflicts, would be the last issues on the minds of black or white South Africans. Instead, a thoroughly Americanized society worries about access to the latest consumer goods and capitalist frills. The white "haves" are silently thankful that black "would-be-haves" now keep a huge mass of black "have-nots" reasonably pacified and, if necessary, under authoritarian control. It is this constellation, not a Christian ethic or democratic consensus, that enabled the TRC to go through the ritual of grappling with the past in order to proclaim in vain a reconciled memory for the future.

Conclusions

Collective memory of human rights violations could be separated into two broad categories of cases to which appropriate responses differ.

(1) *Historical injustice* comprises cases where blameless groups have been the victim of state aggression a long time ago. Few direct survivors exist, and the claims of their descendants relate to appropriate recognition, rather than to restoration of the situation before the event. Victims of Nazi atrocities, Japanese imperial expansionism, Stalinism, colonial conquest, and slavery fall into this category. Punishment of guilty perpetrators is no longer possible. Repossession of expropriated property or forced resettlement of people after civil wars or ethnic cleansing would create new strife and injustices or is not feasible, because of interim economic development. In these cases, collective responsibility consists more of symbolic restitution than material compensation. Keeping the memory of the injustice

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alive and mourning the victims through political education about the historical crime is the best way to do justice to the collective legacy.

(2) *Contemporary abuses* call both for justice through legal recourse and for developing new institutions that facilitate reconciliation or, perhaps more realistically, peaceful co-existence. Particularly where sizable historical antagonists share the same state (South Africa, Northern Ireland, Rwanda, Latin America), truth commissions, along with trials of guilty perpetrators can vindicate victims, contribute toward common norms, or even create constitutional patriotism. Where ethno-nationalist groups do not support common nation-building (Balkans, Israel/Palestine) and where mutual atrocities engendered divided memories, separation in independent or semi-autonomous polities seems to be the only feasible solution. Here, international trials for recent state crimes could also act as a deterrent. An international forum to which aggrieved groups can turn for redress would constitute an alternative to renewed violence.

Remembering cannot be the same for perpetrators and victims. Both can fall into the trap of false memory. For the perpetrators, this usually encompasses rationalizations of past misdeeds ("following orders," 'blinded by the atmosphere of the time," "no choice"). Denial can be expected, the greater the atrocity. The moral identity of a perpetrator is challenged by full acknowledgement, not to mention the material and legal consequences of full confessions. Even guaranteed amnesties in return for full disclosure did not entice many South African perpetrators before the TRC to admit their involvement in gross human rights abuses. A much more vexed case is the memory of bystanders, or more specifically, of the beneficiaries of conquest or the descendants of aggression long past. They are not personally guilty, but in terms of Karl Jaspers' famous distinction, they still bear responsibility.[35] In the broadest sense responsibility can be defined as progressive remembering, the knowledge of the causes of privilege, the awareness of infamy committed in the name of the group they belong to through no fault of their own. Even guilt by association does not apply to them, because they had no choice. Therefore, an historically conscious, i.e., a politically literate beneficiary of past injustice must, above all, develop an awareness of historical privilege. Responsibility means political consciousness. It is a precondition for restitutive measures.

No general rules can be discerned, how much and how long a collective of conquest should compensate its surviving vanquished. Nor can it be left solely to the victims and their descendants to determine how much

35. Karl Jaspers, *Die Schuldfrage* (Heidelberg, 1946).

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repentance is enough, whether material or symbolic remorse is appropriate. Survivors too are tempted by greed. Exploiting past crimes or instrumentalizing the guilty conscience of beneficiaries for selfish enrichment would be an all too understandable strategy. In any case, it is impossible to put an exact price tag on past suffering. Past injustice is also trivialized if victims can be bought off. Patient negotiations in good faith about a mutually acceptable compromise seem to be the only feasible route to follow in the absence of an international court on ethical behavior by governments and business. In the end, threats of boycott, harmful publicity for the image of a multinational company or state, and general shaming may suffice to reach a reasonable compromise. Moral education in ethical awareness always facilitates appropriate choices in genuine predicaments.

In the long run, conquered and conquerors both benefit from leveling their playing field, from a social justice that equalizes or at least reduces the vast historically caused material gaps in education, income, and quality of life. However, social justice policies or even preferential treatment in affirmative action strategies may be insufficient to satisfy historically disadvantaged groups. For many of their members, liberal equity policies smack of cooptation. They will not be placated with the upward mobility of their elite which robs the majority of historical victims of their leaders and leaves ordinary members further impoverished. Policies of pacification usually fail if they only benefit the few. Even the pampered leadership often-demands more than material rewards, namely symbolic recognition, an official acknowledgement and apology for historical wrongs, or even secession in the case of Palestinians, Quebeckers, or Sri Lankan Tamils. It may be worth specifying mutually acceptable conditions under which secession of people with divided memories may proceed, as the Canadian government has attempted.

If perpetrators and victims, must live together in the same state, the victims too have to adjust their attitude. It is counter productive to cultivate self-pity. Memory that wallows in victimhood may well be disempowering. History cannot be reduced to victimology, because the powerless are never entirely without power. By remembering defeat as well as resistance, suffering as well as survival against all odds, victims empower themselves as human agents. Self-pity is replaced with development of the ability to take appropriate action for change. The most useful memorial for past injustice is keeping the debate about it alive, rather than freezing it in a monument. Past victims are best honored by sensitizing a new generation for future injustice.

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Skeptical Remarks on "Divided Memories"

Gabor Rittersporn

At the dawn of the new century, there is an urge to look back at the past more than ever, often to remember painful chapters of a history whose victims and, increasingly, their descendants, are now seeking redress. Sometimes, they only ask for symbolic recognition of the ordeal they or their forebears went through. Occasionally, they demand compensation for damages. Victims also try to redraw maps in order to achieve independent statehood, which usually provokes conflicts and attempts to cleanse areas of those who victimized them or of groups threatening territorial unity. Heribert Adam proposes simple solutions for these problems. He thinks they can be solved by establishing the truth about old crimes, through political re-education, by barring collaborators of disreputable regimes from public office, through adjudication and negotiated settlement. Unfortunately, Adam's efforts are predicated on assumptions not altogether convincing.

Adam's reflections revolve around topics such as "truth," "memory," "false memory," "rights," and "justice." One need not clarify the deeper meaning of these concepts to wonder about who is supposed to define what "truth" or "false memory" happen to be, on which basis, and how all those who do not accept these definitions are to be persuaded to abandon their erroneous views. After all, the memories Adam writes about are divided, so much so that at times they generate serious tensions and even bloody wars. Moreover, Adam admits that not even the victims' memories of the horrors of their own past guarantees that they will refrain from victimizing others. In fact, victimhood may, and often does work as a powerful entitlement to, among other things, revenge. Consequently, those who seem to be the best candidates to draw appropriate lessons

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from history are no less likely to commit crimes than ordinary sinners.

Adam expects that what he takes to be "the international community" can define and enforce "rights," "justice," and all the rest. He thinks that Kosovo-type "military humanitarianism" demonstrates that the rule of law can be imposed on an unruly world. Yet, it is unlikely that the Kosovo adventure helped solve any of the problems confronting the inhabitants of that unfortunate province. Anyway, this sort of "humanitarianism" is only credible if it is as universal as the rights it pretends to protect. As soon as exceptions appear, such as the one in Chechnya, shortly after the alleged triumph of a putatively incipient world citizenship, one is tempted to ask whether humanitarian concerns had anything to do with the Kosovo affair, and whether presumably universal human rights are going to be better safeguarded than in the past.

As long as these rights are solemnly bestowed upon some, and denied to others, they remain as fictitious as the world citizenship they are deemed to foster, and the community supposedly bringing justice to fallible people. These rights are hardly more than an opportunistically invoked pretext to fix or to change rules of the international order by a few powers with the necessary resources to prevail over other states. As the powers in question reassert their supremacy, it may be exaggerated to hope that their self-serving moves could contribute to elucidating "truth" or exposing "false memories." Similarly, it is naive to believe, as Adam does, that a forum of international adjudication could be established to which oppressed peoples would appeal, instead of revolting. Is the present world order receptive to appeals by an impressive number of obviously mistreated peoples, such as the Kurds in Turkey or the Chechens in Russia?

It could be argued that it is better to make at least a few perpetrators of repugnant crimes accountable than to leave them all unpunished. But, selective retribution must not be confused with justice. It amounts to the subversion of the rule of law no less than avoiding to remedy iniquities. In addition, an international arrangement that makes some peoples manifestly more equal than others may be the best means to reproduce the conflicts it seeks to avert.

To be sure, sanctimonious claims about a suspiciously arbitrary list of "rogue states" and "evil empires" should not obscure the fact that, at times in international relations, there is no alternative but recourse to force. This was certainly the case with the war against Nazi Germany, even though it was waged for reasons nearly as opportunistic as today's "humanitarian interventions." Be that as it may, this war succeeded in eliminating a major

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danger from the world scene. It also succeeded in establishing "truth" about the Nazi regime, and even in bringing about a remarkable consensus about this "truth" in German society. But, only in the long term. Adam does not have illusions about the amnesia of the postwar period, although he seems to entertain illusions about re-education. He overlooks the fact that new generations had to come of age in order to raise meaningful questions about a shameful past most of their elders never really managed to face up to.

If, as Adam puts it, a "functioning democracy" is not dependent on grappling with a troublesome past, then state-sanctioned collective amnesia must be as good a solution as the taboo the Tito regime imposed on the long history of ethnic strife in the Balkans. But, if people have to come to terms with historical crimes in order to avoid repeating them — as Adam seems to suggest elsewhere in his article — then the problem becomes one of how to hammer home "truth" and dispel "false memories."

Political establishments, especially new ones, and the intellectuals close to them, usually take this task upon themselves, to a large extent in order to legitimate their freshly won status. They can be perfectly right in their efforts to enlighten the population. It is a different matter, however, whether these efforts actually convince the public. One can only commend attempts to make sense of the East German experience or of that of other countries in the former Soviet bloc. But, what can one do with all those who feel victimized by the Old Regime, although, in fact, they profited from it, very often as collaborators? And what can one do with those who see themselves as victims of the new regime, and will hardly accept the idea that its predecessor had been corrupt or criminal?

Can moral and other authorities (and, ultimately, the state) try to impose their vision of the past, however accurate? What are the limits of state-sponsored *Vergangenheitsbewältigung*? Can one entertain the illusion of a public slowly recognizing its burdensome historical heritage in the light of, say, the Japanese or (why not?) the German experience? It is far from certain that re-education can work at all. It is also an open question whether confronting past crimes can prevent present ones. At any rate, one can wonder if the blind violence against foreigners by East-German youth has more to do with the Nazi or communist regime than with similar violence in all decaying suburbs of more or less developed regions of the planet. American youngsters also have a distinct tendency to open fire (often on their classmates), although they do not seem traumatized by the history of their nation.

For the rest, no matter what they used to stand for before the 1990s as

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citizens of a country of doubtful reputation, Kirghizs, Georgians, or Ukrainians can easily disclaim responsibility for the Soviet past on the grounds that their state did not exist before the collapse of the USSR. As time moves on, young people drift away from the idea (or the desire) of living in traditional nation-states. For better or worse, they opt for an identity related to what they think of a continent, of one of its regions or of the world as such. How to deal with "crimes of previous regimes," perpetrated in a strictly national context, in the case of peoples and generations having (or believing to have) few or no affinities with the conventional framework of such regimes?

New self-understandings do not prevent the public in born-again polities from trying to unmask collaborators of fallen regimes, and to prevent them from becoming officeholders. Still, lustration procedures and their consequences in East Europe create almost as many problems as they solve, at least for people sensible to legal and moral niceties. Recent examples in Poland and elsewhere show that records concerning collaboration with the secret police are far from unambiguous or reliable. If informers are easy to discover, the available documentation is often unclear on account of other forms of work for the security agencies. Moreover, most officials quickly converted their former social capital in property rights and other assets, so that they are now among the pioneers of free enterprise and, therefore, also of "democratic transition." Often, only the small fry risks exposure. Hungary made a wise decision about the clergy and officials needed in the armed, intelligence and foreign services, when it decided not to scrutinize their records. How can restitutive justice work, when responsibilities cannot be established unambiguously and when, once again, some people are more equal than others?

The question of equality also arises with reparations. They are much more problematic than Adam seems to think. The question whether there is enough money on earth to compensate for the bereavement of mothers or anyone who has lost a beloved relative should be set aside in favor of concentrating on just one issue. For a Jew or a Gypsy from Poland or the Ukraine, the loss of his hut and his household utensils meant losing absolutely everything he owned. He is hardly in a position to come up with documentary evidence of his lost property, if he was lucky enough to survive the genocide, and it is not clear how he can get due reparation, after the fall of communism, if he is still lucky enough to be around. It is obviously necessary to return bank deposits and works of art to their original owners or to their heirs, whenever they are discovered. But, how to compensate the

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others and their descendants who had also lost everything, and who maybe suffered even more, as a result of this loss, than owners of long-neglected bank accounts or the average art collector?

One cannot help asking if present sensibilities for East European victims is not due to the fact that the number of potential claimants has diminished in the course of the more than half century that has elapsed since WWII. Where were the concerns for equity in those parts of the world whose establishment now seems so anxious to impose "justice" on the rest of mankind? How is it that hardly anyone had been thinking about compensating masses of clearly ill-treated individuals, just because they had the additional bad luck to live in the Soviet bloc? Even now, as these poor souls are finally remembered, the 20,000 former Polish slave laborers who worked in Austria and who could be located have received on average less than $1,900 indemnity. One can only wonder about how much time must pass before world opinion will be sufficiently mature, e.g., to think about compensating South-East Asians who have reason to see themselves as victims of the Vietnam war and who now amount to a mass of several million persons.

It would be tempting to continue nitpicking about Adam's article. It should be clear by now that — beyond the doubtful status of "truth," "memory," "false memory," "rights" and "justice" — Adam's proposals are unconvincing, above all because of the framework in which he hopes to see them realized. Notoriously unscrupulous states, with a dismal record of living up to the principles on which they pretend to be founded, are as far from supporting anything more than opportunistically changing "truths" and "rights" as the international order they manage to bring about. Nothing characterizes better the corruption of these states than their practice to farm out the task of establishing responsibilities for their predecessors' misdeeds to bodies whose modest recommendations do not change the *status quo*, when the *raison d'état* precludes the prosecution of people who are now the establishment. And nothing characterizes better the disarray of intellectuals than their readiness to lend a hand to such exercises and the hopes they are investing in them.

These hopes may be the surest sign of the inability of the best minds to find workable solutions for the problems posed by distressing events of recent and remote history, and for the conflicting ways people remember or suppress them. If it is unlikely that these problems will ever be solved, they certainly cannot be settled in a way acceptable to all parties. So much so that the intellectuals' efforts to find a "truth" or a "justice" to placate

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most of the concerned parties are likely to be frustrated.

A memory industry has evolved over time, whose products are bound to guarantee that commemoration and flight from depressing or incriminating recollections will remain high on the agenda in the coming years. It is worth wondering, however, whose agenda this is. Odds are high that there is of a growing gap between everything the memory industry is marketing and the personal experience of its hypothetical customers. The target audience can recognize the validity of the memory industry's claims, and still consider them to be entirely irrelevant to its daily existence. Today, people may be concerned with a multitude of questions, ranging from unemployment, precarious jobs, the disappearance of traditional lifestyles, and the soaring costs of raising children to environmental issues, aging infrastructures, dwindling energy resources, and the dangers posed by new biotechnologies. It is unclear whether the painful legacy of a more or less remote past, and the lessons one can draw from it have much to do with such concerns. Thus, ruminating about the "crimes of previous regimes" appears increasingly to be a luxury — a pastime people are led to indulge in by a meddlesome memocracy.

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On the Politics of Memory: Reply to Adam

Paul Gottfried

In his remarks on the politics of memory, Heribert Adam seeks to find means by which those groups that have been collectively hurt or grievously degraded can be "reconciled" with their erstwhile persecutors — or at least with the descendants of these wrong-doers. He tries to apply his principles for assessing blame and achieving "reconciliation" to Germans and Nazi victims, and to South African blacks and whites. He points out that most conflicts involve wrong-doing on more than one side. Such a situation complicates the search for morally satisfactory solutions in the Balkans and South Africa, as well as in other cases of civil strife. Adam draws the useful distinction between grievances that continue to be relevant and those that merely bring economic gain or can be attributed to ethnic whining. The continuing push by the World Jewish Congress for compensation for the Holocaust, even from Nazi victims, perhaps most blatantly the Norwegians, clearly exemplifies the second case. Even more outrageous may be a column by Ed Koch on the "reasons" that Jews might not want to accept an apology for anti-Semitism offered recently by the Polish clergy.[1] Koch suggests that Poles were somehow involved in the Holocaust, but offers no evidence for this weighty charge. The most damning proof he provides is that Polish Cardinal Glemp complained (imprudently) about anti-Polish attitudes among American Jewish journalists. Adam believes, on the one hand, that if victimizers remain unpunished for outrageous crimes, the victims and their families have reason to complain. But if, on the other hand, a

1. In *Newsday* (September 1, 2000).

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once victimized group attempts to maintain a perpetual victim status, it may be justified to ignore this claim. According to Adam, such a distinction may be critical not only in dealing with the legacy of the Third Reich and South African apartheid, but also in helping Eastern Europeans come to terms with their Communist past. This *Abrechnung* will presumably involve the apportioning of guilt and punishment, just as Europeans had (and may still have) to deal with the fallout of the Nazi era.

Unhappily, none of this corresponds to what is happening. While journalists and the media are still in a feeding frenzy about the residues and undisclosed crimes of the fascist era, they have no interest whatever, outside of isolated pockets of Cold War liberals, in calling attention to Communist "human-rights violators." Milosevic is an exception: despite his Titoist background, the media recast him as the newest incarnation of Hitler while randomly associating Serb nationalism with Nazi ideology. Nothing has happened to European Communists comparable to what befell the imagined or real servants of the Third Reich. In France almost 11,000 *collaborateurs* were executed in 1944 and 1945, summarily, more often than as a result of judicial proceedings; and the figures for Italy may have been equally ghastly. In 1945 and 1946, over 30,000 Frenchmen lost public employment and/or suffered various forms of public disgrace and professional disbarment, because of alleged involvement with the German occupying forces. Communists, who then as now enjoyed charmed lives, suffered neither collective nor individual embarrassment for their contributions to the fall of France. They managed to become the official avengers of the French people, despite their own conspicuous softness toward the Nazis at the time of the Soviet-Nazi pact.

Eric Conan and Henry Rousso have pointed out how tainted the "politics of memory" has become.[2] By the 1990s, France was awash in what can only be called lies about continuing government cover-ups of French complicity in Nazi war crimes. On critical scrutiny, not one of these charges has turned out to be true. Moreover, the attempts to deny that punishment had been meted out to suspected collaborators at the end of the war ignored the indiscriminate savagery of the actual reprisals, often incited by communists, who themselves had been Nazi collaborators. An observation confirmed by Conan-Rousso (which may in fact be taken as self-evident) is that the politics of memory now practiced in Western

2. Eric Conan and Henry Rousso, *Vichy: Un passé qui non passe pas* (Paris: Fayard, 1994). Both Conan and Rousso are non-Communist leftists.

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countries centers on the disparagement of majority populations. Thus, in France, the well organized demands put forth in the early 1990s on behalf of deported Jews, as a missing part of national holidays devoted to the Resistance, led to other more imperious demands for commemoration. Celebrations of the Resistance were shifted from Mont Valerien, the place from where opponents of the Nazi regime were sent to internment camps, to the Velodrome d'Hiver, where, in July 1942, over 13,000 Jews (many refugees from other countries) were deported to concentration camps. By the mid-1990s, two of the three *fêtes nationales* pertaining to WWII commemorated the Jewish deportations. The decorating of the tomb of Philippe Petain as the victor of Verdun (not as the president of Vichy France) had to be stopped after François Mitterand was attacked as an impenitent Vichyiste. Moreover, the periodic *comme il faut* recognition of the wartime deportations of the Jews by the French government had to be done so as to avoid the charges made by the "politicians of commemoration," that the Vichy regime was simply a regular French government carrying out the anti-Semitic will of the French people, without Nazi prodding.

All of this is necessary for understanding why Adam's prescriptions for a chastened or moderate politics of memory are not likely to prevail. What is at stake is an ideological tool, not a standard of disinterested justice. General Pinochet remains a human rights criminal, because of his anti-communist executions in Chile, while Fidel Castro, who killed many times more people to "build socialism" in Cuba, journeys to Spain to receive a human rights award. In this contemporary, ideologically charged climate, it is foolish to believe that the politics of memory can be practiced in some realm of pure forms. Nor does Adam help matters much by his exhortations for "progressive memory," which will come about through "political education" and the removal of "fascist mentalities." Such language is obnoxiously condescending, and an invitation to power-hungry social engineers, who are far more dangerous than xenophobes. Similarly, the curious equation of "fascism" with anti-immigrationists, an association Adam seems to take for granted, is highly questionable. Neither Latin fascists nor their far more brutal German counterparts were committed to isolationist politics. Would that have been the case!

A crucial distinction should be made between two goals that Adam seeks to achieve at the same time: a politics of memory that transforms moral consciousness, and the reconciliation of former enemies. The second has taken place repeatedly for reasons unrelated to the first; and usually what brings about this conciliatory state is the exhaustion of warring

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sides. Longtime enemies find the costs of war or the quest for hegemony more ghastly than peace. Although, according to Thucydides, on the eve of the Pelopennesian War an Athenian ambassador explained to a Spartan assembly that "No one having devised to take power that he succeeds in obtaining can be dissuaded from reaching for more," thirty years later the defeated Athenians and the temporarily victorious Spartans had both fought themselves out. What ensued was a relatively lenient peace, and no major struggle broke out again between these two erstwhile leading Greek powers. A similar situation obtained between the French and the Germans after WWII, but unfortunately not any sooner. The absence of Soviet arms and the military resources needed to achieve all of its geopolitical ambitions may have forced the PLO into seeking an accommodation of sorts with the Israelis. The promise of foreign aid here may have helped to grease the skids, but this is what the US as a superpower is providing to further its interest in regional stability in the Middle East. In short, physical devastation, economic ruin, or the fear of both disasters have had the effect of stopping hostilities and neutralizing enemies in the past. Presumably this will not cease to be the rule among nations and power blocs.

Peace does not require "political education" by sensitizing experts, but "reconciliation" might. For what Adam is talking about is getting nasty people to fess up to their sins, as an act of "reconciliation." This may work *mutatis mutandis* at a Christian revival meeting, where the participants are presumably receiving the gift of the Holy Spirit. But Habermasian interpersonal dialogue, social psychology, and the imposition of "democratic civic culture" are different from religious fellowship, although it is not clear that Adam perceives the magnitude of that difference. Getting people to stop killing each other may be the most that international relations can achieve, or should want to achieve.

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Ideology and Theory in Metatheoretical Perspective

Aryeh Botwinick

At its inception, in the writings of the 18th century philosopher Destutt de Tracy,[1] ideology was defined as a type of theory. Tracy endeavored to lay out a "plan of the elements of ideology. . . to give a complete knowledge of our intellectual faculties, and to deduce from that knowledge the first principles of all other branches of our knowledge."[2] In other words, he envisioned ideology as a master plan that assigns lesser disciplines their appropriate niches, evinces their patterns of interconnection, and guides individual and collective, i.e., political action.[3]

A major shift in the fortunes of ideology occurred around 1812, when Napoleon, who had befriended Tracy and his circle, in an attempt to realign himself with the Catholic Church and other conservative forces, characterized the Tracy's work and that of his institute as "ideology, that sinister metaphysics."[4] Later, Karl Marx not only expanded on the pejorative

1. Count Destutt de Tracy, *Treatise on Political Economy; to which is Prefixed a Supplement to a Preceding Work on the Understanding, or Elements of Ideology; with an Analytical Table and an Introduction on the Faculty of the Will*, translated by Thomas Jefferson, in John M. Dorsey, *Psychology of Political Science* (Detroit: Center for Health Education, 1973), "Advertisement" ix; cited in Terrance Ball and Richard Dagger, eds, *Ideals and Ideologies: a Reader*, 3rd ed. (New York: Longman, 1999), p. 10.

2. Terrell Carver, "Ideology: the Career of a Concept," in Ball and Dagger, *Ideals and Ideologies*, *ibid.*, p. 4.

3. Sheldon Wolin speaks of theory as "the pursuit of interconnections," which is very close to the understanding of classical political theory. See Wolin, "Political Theory as a Vocation, in Martin Fleisher, ed. *Machievelli and the Nature of Political Thought* (New York: Atheneum, 1972), p. 23-75, especially pp. 52-53 and 75

4. Carver, in Ball and Dagger, *Ideals and Ideologies*, *op. cit.*, p. 5.

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connotations of "ideology," but developed a theory highlighting the ways in which the apparent givenness and naturalness of commodity relations in the capitalist mode of production mystifies the whole relationship between the concepts and values of a society and the distribution of the means of production beyond the direct awareness of the class participants.[5]

In elaborating this understanding, Marx effected a kind of compressed juxtaposition of Machiavelli's theory of power and Thrasymachus's definition of "just" or "right" as meaning "nothing but what is to the interest of the stronger party."[6] Thrasymachus's definition provokes an ostensibly naive, but ultimately highly illuminating question: Since the strong or powerful enjoy a monopoly of power, why do they want to control justice? Machiavelli resolves the riddle. He begins with the premise that power is relational, that it is concerned with evoking compliance from a particular adversary at a particular time, in a particular place. Thus, a preponderance of military forces and more sophisticated military technology do not always translate into military victory. The overriding imperative for Machiavelli is to husband and to ration power to the furthest extent possible. This is reinforced by Machiavelli's sense that power as appearance — as threat — is more intimidating and effective than power directly mobilized. Optimal power is ideal, unpacked, and untranslatable power — power as idea, threat, or deterrence. If power is measured by a political actor's ability to accomplish his goals without open recourse to power, then morality becomes a key ingredient in the attainment and aggrandizement of power. To the extent that people comply with one's directives, because they think these directives are right, the more one is able to achieve one's ends of power without employing the costly and precarious means of power. Thus, a supreme Machiavellian paradox concerning power is how strategically-calibrated avoidances of power constitute the epitome of power.

Marx's theory of ideology systematizes this juxtaposition of Thrasymachus and Machiavelli. A ruling class becomes such when the ideas and values in terms of which a society views itself and defines its goals, redounds to the welfare of those who are best off. From Marx's perspective, ideas must be scrutinized in terms of their capacity to advance the objectives of those aspiring to power, and for reinforcing the power positions of

5. Karl Marx, *Capital: a Critique of Political Economy*, Vol. III, ed. by Friedrich Engels (Moscow: Foreign Languages Publishing House, 1959), pp. 806-863.

6. *The Republic of Plato*, tr. by Francis MacDonald Conford (London: Oxford University Press, 1941), I. 338, p. 18.

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those already powerful. Ideas have power valences that must be reckoned with in considering the power equations of a particular society. Thus, Marx *theorized* ideology and its role in assessing power configurations, while Engels and, most prominently, Lenin transformed Marx's theory into an ideology. In so doing, they undermined the pejorative connotations that the term had for Marx, and embraced the interrelated layers of Marx's theory as the new emancipatory ideology that would restore freedom and justice to all. From Lenin's perspective, Marxism is a "scientific ideology"[7] that has been transformed from a critical tool into a series of positive steps for the redemption of humanity. "By the early twentieth century, then, ideology had wandered in meaning from a science of ideas, to a sinister metaphysics, to class-serving illusions, to false consciousness as opposed to scientific socialism, to scientific socialism as one ideology competing with others."[8]

Karl Mannheim elaborated on the Thrasymachean-Machiavellian-Marxian account of the relation among ideas, values, and power by distinguishing between particular and total ideologies.[9] When the objective is to attack the ideas and representations advanced by one's opponent as disguising (and, therefore, indirectly advancing) his class interest, this amounts to identifying a "particular ideology," whereas a "total ideology" refers to "the ideology of an age or of a concrete historico-social group, e.g., of a class"; it is concerned with "the characteristics and composition of the total structure of the mind of this epoch or of this group."[10] This gives rise to what Clifford Geertz has called "Mannheim's Paradox," which he places on a par with Zeno's Paradox in raising the starkest issues of reflexivity. Mannheim's theory of total ideology, which leaves no set of ideas out of account, is an expression of the ideological pretensions of an age. Its inclusiveness raises the question of how it can claim to be a *neutral* assessment

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7. "The only choice is: Either bourgeois or capitalist ideology. There is no middle course (for humanity has not created a 'third' ideology, and, moreover, in a society torn by class antagonisms there can never be a non-class or above-class ideology). Hence, to belittle socialist ideology in any way, to deviate from it in the slightest degree, means strengthening bourgeois ideology." See V. I. Lenin, *What Is To Be Done?*, in Lenin, *Collected Works*, authorized tr. (New York: International Publishers, 1929), Vol. 4, Ch. 2, Sec. B, p. 123; cited in Lee Cameron McDonald, *Western Political Theory* (New York: Harcourt Brace, 1968), p. 546.

8. Carver, "Ideology: The Career of a Concept," in Ball and Dagger, *Ideals and Ideology*, *op. cit.*, p. 8.

9. Karl Mannheim, *Ideology and Utopia*, tr. by Louis Wirth and Edward Shils (New York: Harcourt, Brace, 1936), pp. 55-59.

10. *Ibid.*, p. 56.

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of the epistemological and ontological status of the primary concepts and categories dominant in a particular society at a particular time.

Only negative theorizing, which points out the limitations of positive theorizing, is non-ideological. Its consistency is sustained by a generalized agnosticism, which leaves the door open for the emergence of positive theory. The structure of Mannheim's Paradox resembles those of paradoxes surrounding skepticism and negative theology. Clearly, skepticism and monotheism confront common dilemmas of consistency, of self-referentialism. In order to be consistent, skeptical doctrine must adopt a reflexive strategy, whereby its critical canons are turned against its own tenets, in effect forcing them to recoil, thereby inhibiting their adequate formulation. Analogously, the removal of the monotheistic God, which renders him totally unlike anything human, requires a grammatical subject concerning whom the continual divestiture of predicates can take place. Skepticism is a doctrine of radical critique that both presupposes and denies a stable subject (in the grammatical sense): the tenets of skepticism. Monotheism is also a doctrine of radical critique that simultaneously presupposes and denies a stable grammatical subject, namely, God.

The self-referentialist dilemmas confronting both skepticism and monotheism suggest that the most coherent readings of both doctrines take the form of a generalized agnosticism. If skepticism must accommodate a moment of self-questioning of its own doctrine, then the most defensible version of skepticism emerges as the one that includes skepticism within its own framework of skeptical interrogation, i.e., a generalized agnosticism. If, under the impact of negative theology, monotheism can no longer affirm its utterly transcendent version of God, then, in order to remain consistent, it must acknowledge that it cannot conclusively deny God's existence either. Negative theology is restricted to the more limited claim that monotheistic argument cannot work to establish the veracity of God's existence. Its writ does not extend to proving God's non-existence. For example, in its extreme rationalism, negative theology might be construed to be clearing a path for more mystical approaches to God that defy easy translations into a rationalist or linguistic register. The parallel structure between skeptical and monotheistic argument suggests that transcendence is best re-configured as horizontal transcendence — a concept of human time that stretches endlessly to infinity. From a generalized agnostic perspective, vertical transcendence is not rejected; it is simply not affirmed. On procedural grounds, the future is needed to act as a balancing and compensatory mechanism to augment

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the knowledge of any given human present. Horizontal transcendence presupposes an endlessly evolving and deferrable human present.

In prioritizing ethics over all other branches of philosophy, Emmanuel Levinas invokes skeptical argument to support his thesis. Since formulations of skepticism give rise to dilemmas of reflexivity best resolved by envisioning logical grids that allow the dissociation of the *saying* of skepticism from the *said* of skepticism (logical grids that offer an alternative to the binary constraints of traditional Aristotelian logic, so that contradiction is normalized), indirect support is received for a generalized agnosticism that is receptive to such logics. A generalized agnosticism leaves the door open to an endlessly unfolding future — a horizontal transcendence —which may be the most cogent way to construe Levinas's notion of infinity. So understood, infinity makes possible Levinas's notion of the other: "The difference between the Same and the Other is the non-indifference for the other of fraternity."[11] In an indefinitely unfolding future, "non-indifference for the other of fraternity" might emerge. The movement in Levinas's thought appears to proceed from a diachrony that nurtures a generalized agnosticism to infinity, conceived as horizontal transcendence, to otherness, to God. When, in one of his more programmatic statements, Levinas says that the "relation with the Metaphysical is an ethical behavior and not theology, not a thematization,"[12] he charts a negative, indefinitely unfolding course that leaves the door open to all kinds of possibilities (including the human other and God as the ultimate Other).

Foucault's summary of Deleuze's philosophy[13] provides an illuminating analogue to the logical revisions required to resolve Mannheim's Paradox, and to distinguish between theory and ideology. In order to formulate a coherent theory of difference, one confronts the paradox that the categorical notion of "difference" introduces a homogenizing element — an expression of the impulse toward sameness — into the very delineation of difference. How is it possible to formulate an understanding of reflexively uncontaminated difference? This is the way Foucault (paraphrasing

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11. Emmanuel Levinas, *Proper Names*, tr. by Michael B. Smith (Stanford: Stanford University Press, 1996), p. 61.

12. Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority*, tr. by Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969), p. 78; cited in Robert Bernasconi and Simon Critchley, eds., *Rereading Levinas* (Bloomington: Indiana University Press, 1991), p. 150.

13. Gilles Deleuze, *Difference and Repetition*, tr. by Paul Patton (London: Athlone Press, 1994), and *The Logic of Sense*, tr. by Mark Lester, ed. by Constantin V. Bandas (New York: Columbia University Press, 1990).

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Deleuze) formulates the dilemma and resolves it: "What if it conceived of difference differentially, instead of searching out the common elements underlying difference? Then difference would disappear as a general feature that leads to the generality of the concept, and it would become a different thought, the thought of difference — a pure event. As for repetition, it would cease to function as the dreary succession of the identical, and would become displaced difference."[14]

Foucault claims that the problem of conceiving difference differentially "cannot be approached through the logic of the excluded third, because it is a dispersed multiplicity; it cannot be resolved by the clear distinctions of a Cartesian idea, because as an idea it is obscure-distinct, it does not respond to the seriousness of the Hegelian negative, because it is a multiple affirmation; it is not subjected to the contradiction of being and non-being, since it is being. We must think problematically rather than question and answer dialectically."[15] This is Deleuze's and Foucault's version of approximation to non-Aristotelian logics. What it leads to is "a theory of thought that is completely freed from both the subject and the object. The thought-event is as singular as a throw of the dice; the thought-phantasm does not search for truth, but repeats thought."[16] In Deleuze's and Foucault's theorizing of difference, it is not only Aristotle's law of the excluded middle that is suspended, but his laws of identity and non-contradiction as well. In Foucault's words: "The freeing of difference requires thought without contradiction, without dialectics, without negation; thought that accepts divergence; affirmative thought whose instrument is disjunction; thought of the multiple — of the nomadic and dispersed multiplicity that is not limited or confined by the constraints of similarity; thought that does not conform to a pedagogical model (the fakery of prepared answers), but that attacks insoluble problems — that is, a thought that addresses a multiplicity of exceptional points, which are displaced as we distinguish their conditions and which insist and subsist in the play of repetitions."[17]

What methodological principle is at work in this resolution of the problem of conceiving of difference differentially? According to Foucault: "What is the answer to the question? The problem. How is the problem resolved? By displacing the question." In his discerning of this principle, he is prefigured by a great Rabbinic sage, Rav Simcha Zissel of

14. Michel Foucault, "Theatrum Philosophicum," in *Language, Counter-Memory, Practice*, ed. by Donald F. Bouchard (Ithaca: Cornell University Press, 1977), p.182.
15. *Ibid.*, pp. 185-186.
16. *Ibid.* p. 179.
17. *Ibid.*, p. 185.

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Kelm, who said that "Every question that is especially strong and does not have a solution, then the question itself is (becomes) the solution."[18] The resolution of the problem of delineating difference differentially, which involves "the suppression of categories, the affirmation of the univocity of being, and the repetitive revolution of being around difference,"[19] consists in a reinsertion of the constitutive features of the problem in the infrastructure of its solution. The solution stabilizes and institutionalizes the problem, thereby transforming it from problem to solution.

In resolving Mannheim's Paradox, theory and ideology must be distinguished. Theory assumes a reflexivity test to check whether its preferred critical canon applies to it as well, whereas ideology directs its critical canon only outward. Once a test of reflexivity is applied to a political program, its scope and reach are usually scaled back, transforming it into a particular version of a generalized agnosticism. In the cases of Marx's theory of ideology and Mannheim's total concept of ideology, in order to be consistent, both must admit that the class taint that disfigures other people's thought may taint their own as well, so that it remains an open question whether their respective formulations are theoretical or ideological. Of course, as particular applications of a generalized agnosticism, Marx's and Mannheim's exercises in negative theorizing leave open the question of whether positive theory ever will emerge.

Fredric Jameson points to a central tension between the concept of "difference" and the notion of majority rule that is integral to democracy: "'Consensus' now designates representative democracy, with its ballots and public opinion polls, and it is now this that, already objectively in crisis, finds itself politically challenged by the new social movements, none of which find the appeal to majority will and consensus particularly legitimate any longer, let alone satisfactory."[20] The dichotomization of identity/difference — with every presumed conceptual or sociological identity or identification masking a transgression of difference — undermines the prospect of majority rule and delegimates democracy. The category of difference leads to an assault on the idea of the person. Each of us is a transient assortment of tension-laden differences. If positing even a single person is surreal, how much more does the activity of summing up persons,

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18. Cited as an epigraph to Aryeh Botwinick, *Skepticism, Belief, and the Modern: Maimonides to Nietzsche* (Ithaca: Cornell University Press, 1997).

19. Foucault, *Language, Counter-Memory, Practice*, *op. cit.*, p.187.

20. Fredric Jameson, *Postmodernism or, the Cultural Logic of Late Capitalism* (Durham: Duke University Press, 1991), p. 341.

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as required by majority rule, loom as mythical and insupportable? How can difference be theorized so that it does not lead to the undermining of the constitutive principle of democracy? How does one get to "difference"? Reflecting on philosophical questions leads to skepticism, but it is unclear how this can be sustained consistently. Multi-valued logics that map the suspension of the law of the excluded middle provide a logical grid for unskeptically floating skepticism. The mental climate receptive to the prospect of multi-valued logics can be typified as a generalized agnosticism.

When viewed from this perspective, the severed phantasms of Deleuze and Foucault that are an implicit expression and celebration of difference constitute a virtual gnosticism — an electrically-vibrating intimation about the non-existence of the self. In a generalized agnostic framework, once the limits of reason are negotiated in skepticism, one is free to fall back to a pragmatic level of argument that would provide ample support both for acknowledgement of multiple human selves (human selves that are multiple) and for democratic majority rule. Jameson sees democracy jeopardized in a context of the affirmation of difference, but only because he does not distinguish between a gnostic reading of difference and a generalized agnostic one inspired by negative theology. One can respect difference, both because one knows and because one does not know. Only the latter route is compatible with and supportive of democracy.

In consonance with the above, it could also be argued that to engage in ideological political thought is to rest on a primitive analytical mistake, which is to confuse the single unified picture for a single, unified account of how the picture comes to be what it is. By contrast, when one does theory one notices that there is generally more than one way to account for what is. The advantage in cultivating a theoretical stance to political phenomena is that doing so is already a self-empowering act for both students of politics and average citizens. Prodding ourselves to think theoretically — to conceive of more than one way to make sense of phenomena — already provides a platform for moving toward the effective transformation of those phenomena.

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Theory as Practice: Foucault's Concept of Problematization

Roger Deacon

The Enlightenment, which bequeathed to modernity a faith in social progress, has become as problematic as that faith. Kant posed the question of philosophy's status as a contemporary discourse, and generated the paradox of attempting to understand what has made understanding possible. By making this paradox the basis of a critique of the Enlightenment, Foucault posed the question of the subject and its present location. To this end, he proposed a kind of analysis: "genealogy." Central to this analysis is the concept of "problematization," which is concerned with how and why, at specific times and under particular circumstances, certain phenomena are questioned, analyzed, classified, and regulated, while others are not. Rather than attempting to demystify current historical conditions, Foucault sought to examine phenomena that are taken for granted, largely because they are too obvious and superficial; in other words, has sought to objectify what is considered to be objective. Such an approach confounds deeply entrenched assumptions about the relation between theory and practice, thought and world. Thus, Foucault's critique redefines modernity as an ethos of permanent self-reinvention, which is "genealogical in its design and archaeological in its method."[1]

Genealogy is a form of "gray, meticulous, and patiently documentary" erudition opposed to the search for origins.[2] By examining errors,

1. Paul Rabinow, ed., Michel Foucault, *The Foucault Reader* (Harmondsworth: Penguin, 1984), pp. 46 and 50.

2. Donald F. Bouchard, ed., Michel Foucault, *Language, Counter-Memory, Practice: Selected Essays and Interviews* (Oxford: Blackwell, 1977), pp. 139-140.

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perversities, accidents, and conditions of possibility, it "disturbs what was previously considered [to be] immobile; . . . fragments what was thought [to be] unified; [and] . . . shows the heterogeneity of what was imagined [to be] consistent with itself."[3] Genealogy problematizes what is taken for granted; it introduces discontinuity into being itself as "it divides our emotions, dramatizes our instincts, multiplies our body and sets it against itself."[4] Disrupting, fragmenting, multiplying, and dividing, the rationale behind Foucault's genealogical approach is simultaneously analytical, political, and personal. One must be familiar with one's object, including oneself, before defamiliarizing, problematizing, or transforming oneself.

Archaeology may be characterized as a practice or a "science of the archive," which, in Foucault's view, is less a discipline than a "domain of research."[5] Archaeological research examines not the meaning or truth, but the "positivity" of discourses, their *historical a priori* or conditions of possibility, existence, and transformation.[6] In addition, by considering the practices, institutions, and theories of a particular socio-historical period to be on the same plane in terms of their "common traits," "structures," or "invariants," archaeology is intended to permit the researcher to avoid "every problem concerned with the anteriority of theory to practice, and the inverse."[7] Thus, one must read "*Don Quixote*, Descartes, and a decree by Pomponne de Belierre about houses of internment in the same stroke."[8] Adopting a "theoretico-active," as opposed to Sartre's "practico-inert" approach, presumably would allow the researcher to treat such diverse texts not merely as "literature" (and, as such, largely devoid of truth), "philosophy" (accurately reflecting reality), or "law" (delimiting practice), but as both conditions and effects of the period in question. Whereas modern science assumes its truth, but ignores its historicity, archaeology only pretends to be true, and recognizes its own historicity (i.e., that the rules which define it as a discursive practice "are caught up in the very things that they connect").[9] For archaeology, the madness of a

3. *Ibid.*, p. 147.
4. *Ibid.*, p. 154. See also Michael Shapiro, ed., Michel Foucault, "The Order of Discourse," in *Language and Politics* (Oxford: Blackwell, 1984), p. 127.
5. Sylvère Lotringer, ed., Michel Foucault, *Foucault Live* (New York: Semiotexte, 1989), p. 3, and Michel Foucault, *The Archaeology of Knowledge* (London: Tavistock, 1974), pp. 128-131.
6. Foucault, *The Archaeology of Knowledge*, *ibid.*, pp. 126-27.
7. Foucault, *Foucault Live*, *op. cit.*, pp. 2-3.
8. *Ibid.*, p. 3.
9. Foucault, *The Archaeology of Knowledge, op. cit.*, p. 127

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knight who tilts at windmills is as important a benchmark of the times as is a *cogito*, certain of its sanity, which demands the knight's internment.

In his inaugural lecture, Foucault spoke of "critical" analysis, rather than "archaeology," and argued that such an analysis, together with a "genealogical" analysis, reverses commonplace assumptions about authors being the origin of their own works in order to grasp the effects of relations of power in producing, excluding, limiting, and appropriating knowledge and subjecting individuals. In these terms, the effects of power on knowledge and individuals must be analyzed in relation to "how they [relations of power] are formed, in response to what needs, how they have been modified and displaced, what constraint they have effectively exerted, to what extent they have been evaded."[10] Thereafter, in conformity with his increasing interest in how relations of power produce forms of knowledge, Foucault referred less to "archaeology," and more to "genealogy."

The word "archaeology" also bothered Foucault in its connotations of a search for origins, or as an excavation of something concealed. Despite referring once or twice to the need to undertake, as in Marxist ideology-critique, a critical unmasking of things that appear to be self-evident, neutral, or independent, Foucault, as a good Kantian, did not believe that what might be excavated or unmasked constituted anything essential in itself. Indeed, as a student of Nietzsche, he took this insight further, and suggested that, if one were able to remove the mask, all that might be found would be the traces of other masks. His contemporary, Roland Barthes, captured this dismissal of foundations well. Though referring specifically to texts, he could as well have been writing about history or society: "If, until now we have regarded the text as a species of fruit with a kernel (an apricot, for example), the flesh being the form and the stone the content, it would be better to see it as an onion, a construction of layers (or levels, or systems), whose body finally contains no heart, no kernel, no secret, no irreducible principle, nothing except the infinity of its envelopes, which envelop nothing other than the unity of its own surfaces."[11]

Instead of attempting to unveil a hidden truth or to unearth a buried treasure, Foucault sought to reveal what is so obvious and so superficial that it is passed over and accepted without further comment: "What I'm looking for are not relations that are secret, hidden, more silent or deeper than the consciousness of men. I try, on the contrary, to define the relations

10. Foucault, "The Order of Discourse," *op. cit*, p. 130.

11. Quoted in José Guilherme Merquior, *From Prague to Paris: A Critique of Structuralist and Post-Structuralist Thought* (London: Verso, 1986), pp. 171-72.

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on the very surface of discourse; I attempt to make visible what is invisible, only because it's too much on the surface of things."[12] Arnold Davidson has argued convincingly that Foucault's initial emphasis on "archaeology" as a description of the conditions or rules by which statements and domains of objects are produced[13] was not so much displaced or abandoned as widened by his later, more genealogical approach.[14]

Rather than seeking universal structures of knowledge or moral action *à la* Habermas, genealogy investigates how people are constituted and recognized as subjects, attempts to work out "the possibility of no longer being, doing, or thinking" what people do or think, and, in this way, seeks "to give new impetus . . . to the undefined work of freedom."[15] Paradoxically, it is assisted in this task by modern thought's drive to universality, especially in the human sciences. Notwithstanding the mostly good intentions of the Western search for disembodied truth and rationality, "it is the *culture* and *society* of Western science and philosophy that is ultimately being defended, not timeless mental values."[16] The more the human sciences attempt to transcend history and to attain universality, the more clearly they reveal their rootedness in history.[17] From within the present, genealogy reconfigures the past that made both it and modern scientific thought possible; thus, it sets our recent history against itself, and reconceptualizes modernity as "an attitude, an ethos, a philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them."[18]

The modern ethos is understood to be "a *limit-attitude*" that simultaneously confirms Kant's inauguration of modern philosophy and transforms his question of the limits of knowledge into "a practical critique that takes the form of a possible transgression": "in what is given to us as

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12. Foucault, *Foucault Live*, *op. cit.*, p. 46; Foucault, *The Archeology of Knowledge*, *op. cit*, p. 131.
13. Foucault, *The Archaeology of Knowledge*, *op. cit.*, p. 15.
14. Arnold Davidson, "Archaeology, Genealogy, Ethics," in David Couzens Hoy, ed., *Foucault: A Critical Reader* (New York: Blackwell, 1986), p, 227; also, Gary Guting, *Michel Foucault's Archaeology of Scientific Reason* (Cambridge: Cambridge University Press, 1989), pp. 270-71.
15. Foucault, *The Foucault Reader*, *op. cit.*, pp. 46 and 50.
16. Gregor McLennan, "The Enlightenment Project Revisited," in Stuart Hall, David Held, and T. McGrew, eds., *Modernity and its Futures* (Cambridge: Polity, 1992), p. 341.
17. Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (London: Tavistock, 1970), p. 371.
18. Foucault, *The Foucault Reader*, *op. cit.*, p. 50.

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universal, necessary, obligatory, what place is occupied by whatever is singular, contingent, and the product of arbitrary constraints?"[19] The Enlightenment located and defined itself in relation to a present that it problematized. In order to understand what it means to be children of the Enlightenment, it is necessary to problematize those forces, conditions, and representations that Foucault once likened to the "positive unconscious" of science and human knowledge,[20] and that have made the present possible, particularly the peculiar, even unique, configuration of scientifically sanctioned modes of soothsaying and subjection.

Problematization: Theory as Practice

Analyzing, criticizing, and experimenting with alternatives to what human beings have become, Foucault wanted to know "whether one cannot discover the system of regularity, of constraint, which makes science possible, somewhere else [than the conscious actor], even outside the human mind, in social forms, in the relations of production, in the class struggles, etc."[21] He pursued this investigation into the history of, and systemic or structural basis for what people consider to be true, primarily through recourse to what he called "problematization" (otherwise translated as "problemization"): "Problematization doesn't mean representation of a pre-existing object, nor the creation by discourse of an object that doesn't exist. It is the totality of discursive or non-discursive practices that introduces something into the play of true and false, and constitutes it as an object for thought (whether in the form of moral reflection, scientific knowledge, political analysis, etc.)."[22]

Problematization does not refer to conventional methods of analysis, premised on a relation between thought and world or between the analysis and what is being analyzed, i.e., to processes assumed to be both separate and yet more or less closely aligned. Instead, it refers to the practical conditions that make something into an object of knowledge, specifically to the networks of power, institutional mechanisms, and existing forms of knowledge that direct the attention of theorists to specific phenomena and thereby produce new knowledge. Consequently, genealogy begins with

19. *Ibid*, p. 45.

20. Foucault, *The Order of Things*, *op. cit*, p. xi, and *Foucault Live*, *op. cit.*, p. 39; see also David Macey, *The Lives of Michel Foucault* (London: Hutchinson, 1993), p. 162.

21. Foucault in Fons Elders, *et al.*, ed., *Reflexive Water: The Basic Concerns of Mankind* (London: Souvenir, 1974), p. 160.

22. Michel Foucault, *Politics, Philosophy, Culture. Interviews and Other Writings 1977-1984*, ed. by Lawrence Kritzman (London: Routledge, 1988), p. 257.

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the assumption that objects of analysis are neither purely external to, and independent of, nor entirely internal to, and dependent on thought. Thought is considered to be not merely a mental, cognitive, speculative, or linguistic phenomenon, but rather, a set of practices in its own right, i.e., a process that participates in the constitution of the objects of which it speaks, and that has specific and identifiable political effects. Consequently, Foucault considered "the idea that to devote oneself . . . to properly theoretical and speculative activities is to turn away from politics"[23] to be completely false. For Foucault, "theory" (forms of knowledge) and "practice" (relations of power) are not opposed, but so closely intertwined that "theory does not express, translate, or serve to apply practice: it is practice,"[24] they are also "violent, discontinuous, pugnacious, disorderly, . . . and perilous."[25] Contrary to those who claim that Foucault upholds a "theory/practice" dichotomy,[26] his theory is practical and political in at least four ways: in the sense that theory is produced by and through powerful groups, which thereby distinguish themselves from and exclude others; in the sense that it "is the thing for which and by which there is struggle, discourse is the power which is to be seized";[27] in the sense that theory plays a role in producing the objects that it subsequently will analyze; and in the sense that theory may help to constitute "a certain point of view"[28] or offer tools that are not only analytically useful, but that can engender disturbances in and disruptions of what we consider to be real.

It follows that theory is not a representation of given facts, events, or states of affairs, but a possibility, similar to other political, economic, and social possibilities. It *problematizes* facts, events, or states of affairs, makes them objects amenable to analysis and intervention, and to the interplay of inherent relations of power and knowledge. Modern thought, including Foucault's, is "both knowledge and a modification of what it knows, reflection and a transformation of the mode of being of that on which it reflects."[29] Derrida's account of the nature of rational analysis is useful here: "The modern dominance of the principle of reason had to go hand in hand with the interpretation of the essence of beings as objects, an object

23. Foucault, *Foucault Live*, *op. cit.*, p. 42, and *The Order of Things*, *op. cit.*, p. 328.
24. Foucault, *Language, Counter-Memory, Practice*, *op. cit.*, pp. 207-208.
25. Foucault, *The Foucault Reader*, *op. cit.*, p. 126, and *The Order of Things, op. cit.*, p. 328.
26. Paul Rabinow, "Introduction," in Foucault, *The Foucault Reader*, *op. cit.*, p. 9.
27. Foucault, "The Order of Discourse," in *Language and Politics, op. cit.*, p. 110.
28. Foucault, *The Foucault Reader*, *op. cit.*, p. 350.
29. Foucault, *The Order of Things*, *op. cit*, p. 327.

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present as representation [*Vorstellung*], an object placed and positioned *before* a subject. This latter, a man who says 'I', an ego certain of itself, thus ensures his own technical mastery over the totality of what is. The 're-' of *repraesentatio* also expresses the movement that accounts for — 'renders reason to' — a thing whose presence is *encountered* by *rendering* it present, by bringing it to the subject of representation, to the knowing self."[30]

Rational, objective analysis of reality is inseparable from the interpretation of people as objects, which objectifies or reifies some in relation to others. This is the violence of modern reason, which has adopted a colonizing relation with all other societies, including its own;[31] it is centered around "representational man," said to be endowed with "hard eyes permanently open to a nature that he is to dominate.[32] Antiquity's optical and visual metaphors of light and sight have not been lost on a thought that quite recently declared its age to be "enlightened": "the eye . . . has the power to bring a truth to light that it receives only to the extent that it has brought it to light."[33] Speculative, voyeuristic, and honed to a sharp, self-reflective edge by its need to generate its normativity out of itself, modern reason constantly drives people to treat themselves and others as objects.[34] Consequently, what one knows of the other, what knowledge is produced in knowing the other (by extorting truth or provoking action) is dependent on the forms in, and relations of power and knowledge through which it is constituted, and actually reveals more of oneself than of the other.[35] "The subaltern cannot speak":[36] the other is always the other *for us*, its exotic charm demarcating the limitation of ourselves.[37] It is never the other *as* other ('in itself'), because it is effaced and muted in the very process by which meaning, identity, or voice is inscribed on it. To attempt to know or to give voice to the other is literally to forge that knowledge or voice and the

30. Jacques Derrida, "The Principle of Reason: The University in the Eyes of its Pupils," in *Diacritics*, 13 (1983), pp. 9-10.

31. Foucault, *The Order of Things*, *op. cit.*, p. 377.

32. Derrida, "The Principle of Reason," in *Diacritics*, *op. cit.*, p. 10.

33. Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception* (London: Tavistock, 1976), p. xiii.

34. Jürgen Habermas, *The Philosophical Discourse of Modernity* (Cambridge: Polity Press, 1987), p. 7.

35. Zygmunt Bauman, *Legislators and Interpreters: On Modernity, Post-Modernity and Intellectuals* (Cambridge: Polity, 1987), p. 9; and Stuart Hall, "The West and the Rest: Discourse and Power," in Stuart Hall and B. Gieben, eds., *Formations of Modernity* (Cambridge: Polity, 1992), p. 294.

36. Gyriatry Spivak, *Applied Grammatology: Post(e)-Pedagogy from Jacques Derrida to Joseph Beuys* (Baltimore: Johns Hopkins University Press, 1985), p. 308.

37. Foucault, *The Order of Things*, *op. cit*, p. xv.

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subject represented by it, to produce an artificial and counterfeit representation of the other that subordinates it even in the process of empowering it.

Despite the fantasies of oral history, there is no "authentic" popular voice: some subjects speak for others as much as theory speaks for the facts. In interpreting people as objects, reason (re)presents them fourfold — as *objects* in relation to a subject, as objects represented or *portrayed*, as objects represented or *spoken for*, and as objects *placed and positioned* before a subject. The objects of reason are accounted for (made known) and encountered (as if discovered) literally by making them present, by constituting them in a form available for analysis and mastery.[38] Similarly, what Foucault calls problematization is a process of rendering or representing reality and "theory" as both part of this process and a product thereof, which produces and reproduces itself and the *episteme* or *apparatus* of which it forms a part. In light of this, Foucault's assertion that theories or discourses are "practices that systematically form the objects of which they speak"[39] should be understood in the sense elucidated by Laclau and Mouffe, namely, that theory "is an *articulatory practice* which constitutes and organizes social relations."[40] Laclau and Mouffe distinguish between "the being (*esse*) of an object, which is historical and changing, and the entity (*ens*) [or existence] of that object."[41] To the extent that theory is involved in the production of the "being," *esse* or meaning of its objects of analysis, though not their actual existence or *ens*, it is part of the process that constitutes or problematizes reality. Rorty, too, points out that there is a simplistic sense in which "the way people talk can 'create objects', in the sense that there are a lot of things that wouldn't exist unless people had come to talk in a certain way. Examples of such things are universities, contracts, governments, international monetary exchange mechanisms, traditions of historiography, revolutions in philosophy, and so on."[42]

Even if it has begun to operationalize theory only recently, the philosophy of science has long been aware that "it is the theory which decides

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38. Roger Deacon, "Discourses of Discipline in South Africa: Rethinking Critical Pedagogies in Postmodernity," in *Discourse*, Vol. 17 (1996), No. 2, p. 232.

39. Foucault, *The Archaeology of Knowledge*, *op. cit.*, p. 49.

40. Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy* (London: Verso, 1985), p. 96.

41. Ernesto Laclau and Chantal Mouffe, "Post-Marxism without Apologies," in *New Left Review*, No. 166 (1987), p. 85.

42. Richard Rorty, "Foucault and Epistemology," in D. C. Hoy, *Foucault: A Critical Reader*, *op. cit.*, p. 42.

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what we can observe."[43] In all these instances and more, reality is not something given, something "out there," i.e., a set of raw data more or less easily accessible to a theory that describes and explains it, and proceeds to modify or transform it in accordance with social and economic needs, cultural demands, or political power. Instead, reality ultimately and always is the product of these constituting and colonizing activities of theory; it is a terrain that coalesces and metamorphosizes under the impact of the conceptual maps that claim, after the fact, to merely, if ostentatiously illuminate that which is said to exist independently of, and to be external to the scientific observer.

This insight is fundamental. Although it infuses Foucault's work, it was stated most clearly by Baudrillard, for whom reality is a "*precession of simulacra* — the map that engenders the territory."[44] Consequently, truth does not consist in the accuracy of its depiction of reality (a correspondence model), but in the power of its production of reality, which, as both Alcoff[45] and Rorty[46] have argued, more or less resembles a coherence model: "[t]ruth is inseparable from the procedure establishing it."[47] Theory is not a passive representation of something else, deemed to be activity or practice, but is "itself a mode of action in the world,"[48] which, in the form of a Foucauldian genealogical approach, is also a regulatory violence intentionally done to objects of knowledge.[49] "[T]he reality represented does not determine the representation or the means of representation. Instead, the process of signification itself gives shape to the reality it implicates."[50] Nevertheless, while "a problematization is always a kind of creation,"[51] it is a creation in the sense that, given a certain situation, one cannot infer that precisely this kind of problematization will follow. Even

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43. Albert Einstein, quoted in Werner Heisenberg, *Physics and Beyond: Encounters and Conversations* (New York: Harper & Row, 1971), p. 63.

44. Jean Baudrillard, *Simulations* (New York: Semiotexte, 1983), p. 2

45. Linda Alcoff, "Foucault as Epistemologist," in *The Philosophical Forum*, Vol. 25, No. 2 (1993), p. 109.

46. Richard Rorty, "Philosophy as a Kind of Writing: An Essay on Derrida," in *New Literary History* (Summer, 1978), p. 143.

47. Gilles Deleuze, *Foucault* (Minneapolis: University of Minnesota, 1988), p. 63.

48. Gregory L. Ulmer, *Applied Grammatology*, *op. cit.*, p. 183.

49. Foucault, "The Order of Discourse," in *Language and Politics*, *op. cit.*, p. 127.

50. Julian Henriques, *et al.*, eds., *Changing the Subject: Psychology, Social Regulation and Subjectivity* (London: Methuen, 1984), p. 99.

51. Michel Foucault, "Discourse and truth: the problematization of parrhesia" (tape recordings of six lectures at the University of California, Berkeley, Oct-Nov.1983: BdS n§ D213) Ed.J.Pearson, 1985; Re-Ed.Webmasters, 1999 (Evanston, Illinois: Northwestern University) http://perso.club-internet.fr/kmille/discourse.htm.

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for such an uncompromising critic as the Marxist Callinicos, it does not necessarily follow from Foucault's understanding of theory as a problematizing practice (which Callinicos associates with Nietzschean "perspectivism") that reality is a product of theory alone, or that mind literally creates matter. Instead, theory does not always produce reality successfully; it may have unintended consequences and effects, and it is also a product of a perpetual struggle.[52]

Despite some provocative and polemical formulations in Foucault's early work, such that "[r]eality does not exist . . . . [and that] language is all there is,"[53] there is no need to revert to the various idealist positions of Platonic forms, early Christian theology, or Hegelian metaphysics. To study "the 'problematization' of madness, crime, or sexuality . . . is not a way of denying the reality of such phenomena."[54] On the contrary, Foucault sought to demonstrate that the target of social regulation at a given moment is something real, such as mental illness, and how it is characterized, analyzed, and treated. There is a relation between what is problematized and the process of problematization: the problematization is an "answer" to a concrete situation. Theory is always confronted with reality, and must grapple with it in its specific context. To the degree that theory must assume the givenness of its object (and thus objectify it), the object is always derived and contrived. At most, it is the compacted sediment of epochs of socially produced and practiced relations of power and forms of knowledge. Thus, Foucault's genealogical approach acknowledges the power of "discursive" (or "idealist") as much as "non-discursive" (or "materialist") factors to constitute what is considered to be real. Not only is it true that "'[w]hat passes for social reality' stands in immediate relation to the distribution of power,"[55] but theories of reality also extend or alter the way power is distributed. However, there is an additional dimension to the relation between what we commonly consider to be theory and reality, namely that theory is modified by the reality that it constitutes in part. In his confrontation with the real, the observing or theorizing person who represents others, himself, or the world as external objects is transformed to the same degree as reality. The identity of social beings and

52. A. Callinicos, *Making History* (Cambridge: Polity, 1987), p. 107.

53. Foucault, quoted in David Macey, *The Lives of Michel Foucault* (London: Hutchinson, 1993), p. 150.

54. Foucault, "Discourse and truth," *op. cit.*

55. Anthony Giddens, *New Rules of Sociological Method: A Positive Critique of Interpretative Sociology* (London: Polity, 1976), p. 113.

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their discourses is "purely relational" and "constantly deferred,"[56] in that it depends on being recognized (in the Hegelian sense) or concretely validated by the representations that it reifies; however, the moment of recognition also conceals this relational character: "The principle of reason installs its empire only to the extent that the abyssal question of the being that is hiding within it remains hidden, and with it the question of the grounding of the ground itself."[57] To problematize reality or to write a history of the present is as much to transform oneself as it is to make objects of reason present, and to expose or unmask the ground of the current *episteme*: "We must understand how actors — even cultures . . . change in becoming capable of understanding various others."[58]

Problematization: Discursive and Non-Discursive

Problematization refers to the totality of historical practices, "discursive or non-discursive," that raise an issue, pose a question, or introduce a hitherto unacknowledged element into the field of thought; it is "the historically conditioned emergence of new fields of experience."[59] This totality of practices or "apparatus," which includes "discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions," consists of "strategies of relations of forces supporting, and supported by, types of knowledge."[60] Here, Foucault acknowledges a shift in his use of concepts: "an apparatus is a much more general case of the *episteme*; or rather, that the *episteme* is a specifically *discursive* apparatus, whereas the apparatus in its general form is both discursive and non-discursive, its elements being much more heterogeneous."[61]

Prior to arriving at this position in the mid-1970s, where conditions of possibility are understood to be simultaneously intra-, inter- and "extra discursive" (the latter referring to "economic, political and social changes"),[62] Foucault had tended to distinguish between what is discursive

56. Laclau and Mouffe, *Hegemony and Socialist Strategy*, *op. cit.*, p. 86.
57. Derrida, "The Principle of Reason," in *Diacritics*, *op. cit.*, p. 10.
58. Craig Calhoun, *Critical Social Theory: Culture, History and the Challenge of Difference* (Oxford: Blackwell, 1995), p. 80.
59. Graham Burchell, "Liberal Government and Techniques of the Self," in *Economy and Society*, Vol. 22, No. 3 (1993), p. 277.
60. Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (New York: Pantheon, 1980), pp. 194-96.
61. *Ibid.*, p. 197.
62. Foucault, "Politics and the Study of Discourse," in *Ideology and Consciousness*, *op. cit.*, p. 13.

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and what is non-discursive,[63] for example, between discourse and the "nondiscursive context in which it functions (institutions, social relations, economic and political conjuncture)."[64] This conceptual shift marks the abandonment of a narrow identification between language and discourse, and a consequent and complete "materialization" or "institutionalization" of discourse. It also indicates the extent to which Foucault's ideas were products of their time and context: the claim that theory is a practice that does not merely reflect, but produces reality was articulated also by Althusser, for whom ideology had both a material existence and acted as a political weapon.[65] One consequence of the post-1968 climate that resonated through both Foucault's and Althusser's work was "above all to grasp ideas in their materiality, not only insofar as they are texts and words but also in that, fundamentally, they also produce institutions and forms of conduct - that text and practice are so intermingled that the project of privileging one or the other is already restrictive, and contains the embryo of dogmatic reduction."[66]

Althusser's structuralist Marxism was unable to avoid such a reduction "in the last instance," but Foucault attempted to avoid this problem by linking forms of knowledge to relations of power and problematizing them both. Foucault's theoretical trajectory in this respect is again echoed by Laclau and Mouffe, who rejected his early distinction between discursive and non-discursive practices, on the grounds that discursive practices were identified exclusively with language, and instead claimed "that every object is constituted as an object of discourse, insofar as no object is given outside every discursive condition of emergence."[67] Whereas Foucault then understood the *episteme* and its component discursive practices largely, if not exclusively to be linguistic or theoretical phenomena, for Laclau and Mouffe discourse is defined as the "totality which includes within itself the linguistic and the non-linguistic."[68] Thus, to argue that every object is discursive, that "nothing can be constituted as an object

63. Foucault, *Foucault Lives*, *op. cit.*, pp. 19 and 59; and Deleuze, *Foucault*, *op. cit.*, pp. 31-32.

64. Foucault, "Politics and the Study of Discourse," in *Ideology and Consciousness, op. cit., p. 10.*

65. Louis Althusser, *Lenin and Philosophy and Other Essays* (London: New Left Books, 1971), pp. 21 and 157.

66. François Chatelet, "Recit," in Michel Foucault, *Power, Truth, Strategy* (Sydney: Feral, 1979), p. 24.

67. Laclau and Mouffe, *Hegemony and Socialist Strategy*, *op. cit.*, p. 107.

68. Laclau and Mouffe, "Post-Marxism with Apologies," in *New Left Review*, *op. cit.*, p. 82.

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outside of discourse" (or, in Foucault's terminology, extra-epistemically), is not to say that nothing exists outside of language, but that nothing has meaning outside of discourse (or the apparatus, following Foucault's conceptual shift). Even though "institutions" are really the *only* "non-discursive" elements within Foucault's apparatus — "all the field of the non-discursive social . . . is an institution" — Foucault shared Laclau's and Mouffe's desire to avoid both what was tantamount to linguistic idealism and a simple correspondence between language and world[69]

The genealogical concept of problematization alerts one to the violence of representation, and blurs the stark clarity of conventional distinctions between thought and reality, theory and practice, cause and effect. Problematization refers simultaneously to the historical process of producing an object for thought (the conditions of emergence), the specific discursive and non-discursive mechanisms involved in this production (the apparatus), and the manner in which human beings (particularly, but not exclusively intellectuals) find themselves engaged objectively, communicatively, and governmentally with both process and product (technologies of power, knowledge and the self): "Actually, for a domain of action, a behavior, to enter the field of thought it is necessary for a certain number of factors to have made it uncertain, to have made it lose its familiarity, or to have provoked a certain number of difficulties around it. These elements result from social, economic, or political processes."[70]

To one set of difficulties, several different responses can be made simultaneously, and the task is to discover "the general form of problemization that has made them possible — even in their very opposition";[71] "This development of a given into a question, this transformation of a group of obstacles and difficulties into problems to which the diverse solutions will attempt to produce a response, this is what constitutes the point of problemization and the specific work of thought."[72] Nevertheless, it must be borne in mind that problematization is neither context-free nor does it spring forth spontaneously: "for instance, . . . the new problematization of illness or physical disease at the end of the 18th century was very directly linked to a modification in various practices, or to the development of a new social reaction to diseases, or to the challenge posed by certain processes, and so on. But . . . a given problematization

69. Foucault, *Power/Knowledge*, *op. cit.*, p. 198.
70. Foucault, *The Foucault Reader*, *op. cit.*, p. 388.
71. *Ibid.*, p. 389.
72. *Ibid.*

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is not an effect or consequence of a historical context or situation, but is an answer given by definite individuals (although you may find this same answer given in a series of texts, and at a certain point the answer may become so general that it also becomes anonymous). These answers are not collective ones from any sort of collective unconscious."[73] Problematization is also far from deconstruction,[74] perhaps simultaneously its inverse and its precondition, in that it is characterized by the coalescence of a problem, whereas deconstruction seeks to subvert what has been problematized.

Conclusion

Foucault's genealogical approach has major implications for our understanding of the nature, object, and purpose of theory. Theory becomes a practice in its own right, problematizing as much as enlightening, and dependent on the very social forces with which it concerns itself; its object, reality, is reconfigured as a terrain that coalesces under the impact of strategic maps or theoretical practices, such that the object (things, others, and their contexts) is always the object *for theory*, forged or fabricated; and its purpose is not to produce a program for action, but to mount a constructive challenge.

The concept of problematization is central to this genealogical "history of the present," i.e., to Foucault's paradoxical, immanent critique of the Enlightenment heritage. Problematization refers both to the way in which specific historical practices give rise to or condition the emergence of objects of analysis, which themselves will be an amalgam of experiences (such as madness or sexuality), discourses (such as psychiatry or sexology), practices (such as confinement or surveillance) and institutions (such as asylums or confessionals), as well as to the ways in which genealogy and genealogists are able to transform a "given" into a question and, in so doing, require the rethinking of politics, philosophy, and ethics.

Indispensable for genealogy as much as for any modern science is a studious examination of specific contemporary experiences (not only socially marginal ones, like madness or transgression, or particular ones, like sexuality, but especially our supposedly natural subjectivities and even the experience of freedom itself), in relation to each other, as well as historically, for, as Bernstein notes with reference to the work of Rorty, MacIntyre, and Kuhn, an appeal to history is not anecdotal, but

73. Foucault, "Discourse and Truth," *op. cit.*
74. Foucault, *The Foucault Reader*, *op. cit.*, p. 389.

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critical.[75] Historical analysis as genealogy no longer will only rationalize the present, but will be a weapon with which to challenge the modes by which human beings have been and are being made into known and knowing, governed and governing, "moralised and moralising" subjects. Moreover, Foucault's analyses were made possible by various "social, economic, or political processes" that de-familiarized and rendered problematic conventional understandings of the relations between knowledge, power, and soothsaying subjects.

Foucault seldom adumbrated these processes, no doubt because he often was immersed in them. But in each case he insisted that the important thing was not to center one's analysis on the conceptualized object (the Enlightenment, for example, or relations of power), but to focus on "the historical conditions which motivate our conceptualization."[76] No doubt one of the most formidable tasks today is to problematize precisely the relatively recent historical conditions that have made the Enlightenment central to contemporary preoccupations, including "the importance of scientific and technical rationality in the development of the productive forces and the play of political decisions . . . [,] the history of a 'Revolution' the hope of which had been, since the end of the eighteenth century, borne by a rationalism of which one is entitled to ask what part it may have played in the effects of despotism in which this hope lost itself . . . [, and] the movement which, at the close of the colonial era, led it to be asked of the West what entitles its culture, its science, its social organization, and finally its rationality itself, to be able to claim universal validity: was this not a mirage associated with economic domination and political hegemony?"[77]

Armed with the weapon of problematization, the first challenge that confronts contemporary theory is to write a history of the Enlightenment and how its truths and by the relations of power that accompanied them have triumphed. Such a history may well require, as Foucault suggested, a re-examination of the origins of Western philosophy as an historically mutating and institutionalized yearning and search for truth, as exclusionary as it is exclusive, centered around or even within the human subject. It is here that Foucault's genealogical approach comes into its own, since it

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75. Richard J. Bernstein, *The New Constellation: The Ethical-Political Horizons of Modernity/Postmodernity* (Cambridge: Polity, 1991), P. 23.

76. Foucault, "The Subject and Power," in *Michel Foucault: Beyond Structuralism and Hermeneutics*, *op. cit.*, p. 209.

77. Michel Foucault, *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite* (Brighton: Harvester, 1980), p. 54.

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will be necessary, if not sufficient, to temper and, if possible, to breach the diachronicity and coherence of conventional histories with a logic of synchronous and antagonistic strategies. This is not to suggest that one ought to focus exclusively on discontinuity, to celebrate contingency, or to extol difference; rather, it is a question of problematizing the superficiality of what appears to be profound, of warily exposing the transitory patterns that configure capricious chaos.

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Freud's Critique of Religion and the Viability of Faith

Jerry Law

The subject of Freud's *Civilization and Its Discontents* is, of course, the tension between civilization's demands and human happiness. It claims that the price for advances in civilization is "a loss of happiness through the heightening of the sense of guilt."[1] For Freud, happiness "comes from the (preferably sudden) satisfaction of needs which have been dammed up." Lesser forms pale beside the "feeling of happiness derived from the satisfaction of a wild instinctual impulse untamed by the ego" that convulses one's "physical being." Here the sexual is obvious. Indeed, Freud claims that "the purpose of life is simply the programme of the pleasure principle," which "dominates the operation of the mental apparatus from the start."[2] The problem is that any but the briefest achievements of happiness are usually blocked, and he finds difficulties with every imaginable strategy for balancing pleasure, pain, and the demands of the external world. His stress on these obstacles and the fact that happiness is "only possible as an episodic phenomenon" implies that, old and in deteriorating health when the book was written, Freud felt that reality had betrayed him, offering with one hand what it snatched away with the other.[3] Thus, the book is his confession and complaint at the belated discovery that he could not have everything he wanted whenever, and for as long as he wanted it.

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1. Sigmund Freud, *Civilization and Its Discontents,* The Standard Edition, tr. and ed. by James Strachey (New York: Norton, 1961), p. 97.
2. *Ibid.*, pp. 25, 29, and 30.
3. Peter Gay, "Sigmund Freud: a Brief Life," biographical introduction to *Civilization and Its Discontents,* by Sigmund Freud, 1989 (biographical introduction only), p. xxi.

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Beyond this possible disappointment with life, Freud is especially irritated at religion. In summarizing Freud's approach to Leonardo, Frederick Crews states that Freud first praised him, then gave him his "diagnostic comeuppance," by reducing the Renaissance genius to a case history — a specimen of Freud's own theories about the origins of homosexuality.[4] Religion gets much the same treatment, minus the praise. In a way, it is surprising that religion comes in for so much attention, since Freud's argument is that human nature and civilization as a whole, rather than religion in particular, are the obstacles to the fullest possible happiness. Yet, if what Freud has to say about religion is examined carefully, it may be possible to conjecture why he is so contemptuous of it.

This has an interesting consequence: the opening of the larger and more serious possibility that, apart from Freud's peevishness toward religion, and apart from the scientific merits of psychoanalysis, his views question the possibility of religious commitment. This is because commitment is the distinctively modern form of religious engagement and, not surprisingly, there are conditions for the possibility of its success. But psychoanalytic theory inevitably undermines these conditions. While Freud's reduction of religion to psychoanalytic theory is dubious, it nevertheless casts a shadow on religion that cannot be ignored. The incorporation of that shadow into the understanding of religion makes it difficult to relate to religion. Put differently, Freud's views of religion in *Civilization and Its Discontents* undemine the tenability of religion.

In this book, Freud does not deal systematically with religion. Yet, when the threads are untangled, four claims stand out. Religion is: in its origin, infantile; in its purposes, mistaken; if accepted, delusional; in its effects, degrading. According to Freud, Romain Rolland corresponded with him after the publication of *The Future of an Illusion*, and agreed with Freud's view of religion as an illusion, but did not feel that Freud really understood religion's origin in human sentiment.[5] According to Rolland, a sensation of "eternity, a feeling as of something limitless, unbounded — as it were, 'oceanic,' is the source of religion." In virtue of having that feeling, even if one does not subscribe to any religious doctrine, it is possible to call oneself a religious person. Freud claims that he is personally unacquainted with such a feeling, and has nothing decisive to offer on the question of whether or not it is the source of religion, but he

4. Frederick C. Crews, in *Unauthorized Freud: Doubters Confront a Legend*, ed. by Frederick C. Crews (New York: Viking, Penguin Group, 1998), pp. 200-201.

5. Freud, *Civilization and Its Discontents*, *op. cit.*, pp. 10-11.

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analyzes Rolland's view as if referring to a residue of the infant's lack of differentiation between self and non-self. Later, despite his initial disclaimer, Freud avers that such a feeling cannot *really* be the source of religion, because needs are the root of feelings, not the other way around: "it seems incontrovertible" that the real source of religious needs are "the infant's helplessness and the longing for the father."[6] The oceanic feeling becomes connected with religion later on

The "infantile" designation here is significant, because it has an obvious double meaning, suggesting both that religion has its origins in early childhood (descriptive meaning), and is proper only to the outlook of young children (evaluative meaning). In the same line, Freud characterizes the movement from the infant's condition of more or less boundless ego to demarcation of the self from the external world as "the first step toward the introduction of the reality principle" and "maturity." That these double meanings are not accidental is suggested by Freud's skill as a writer. After all, he was the winner of Germany's "highest literary award, the Goethe Prize."[7] Freud thus roots religion in immaturity, abject helplessness, and lack of self-awareness, with each of these terms to be understood as disapproving judgments as well as facts.

In terms of its purpose, Freud believes religion offers a comprehensive explanation of the riddles of life, and promises delivery of compensatory rewards for any shortcomings in that life after one is dead.[8] This he also describes as "infantile," unrealistic, painfully "humiliating," and "untenable." What people really want is to have pleasure, avoid pain, behave aggressively, and experience the "narcissistic enjoyment" of the "old wishes for omnipotence" by means of destructive behavior. Men are not "gentle creatures who want to be loved," as the Christian admonition to love one's neighbor supposes, but "creatures among whose instinctual endowments is to be reckoned a powerful share of aggressiveness."[9] Thus, not only is religion's purposes mistaken, but so is its very concept of man.

That religion is delusional emerges from Freud's discussion of it as a way to deal with an unresponsive and uncaring world. When reality is regarded "as the source of all suffering," and one turns one's back on it, one becomes a hermit; in going farther and unilaterally trying to create an

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6. *Ibid.*, p. 20.
7. Paul Johnson, *Modern Times: the World from the Twenties to the Nineties,* rev. ed. (New York: Harper Perennial, 1992), p. 7.
8. Sigmund Freud, *Civilization and Its Discontents*, *op. cit.*, p. 22.
9. *Ibid.*, p. 68.

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alternate world more to one's liking, the result is failure, since reality proves to be too powerful. When a group seeks to remould reality "to procure a certainty of happiness and a protection against suffering," it ends up in "mass delusion." Religion is one of them.[10]

At the same time, the universal religious love exemplified by St. Francis wrongly assumes that all men are worthy of love, and that something given to all (and, therefore, no longer a mark of preferment) retains any value.[11] Presumably, whenever there is an inexhaustible and certain supply of something, it becomes worthless. Lastly, the command to "Love thy neighbor" is impossible to fulfill. It is an imperative of the "cultural super-ego," which, like the personal super-ego, gives too little weight to personal happiness, the resistance of the id, and circumstantial difficulties. The delusion here is the one of possibility.

After all this, it is not surprising that Freud considers religion degrading as well as infantile, unrealistic and untenable. Moreover, it imposes the same standard on all, depresses "the value of life," and distorts "the real world" through "intimidation of the intelligence," etc.[12] In other words, religion degrades by asking people to live and to think contrary to their nature. It is not too much to say — without irony — that Freud's disapproval of religion can be summarized by saying that he finds it naively un-Freudian. Unlike psychoanalysis, religion fails to recognize its origins in infantile narcissism and to acknowledge the primacy of the pleasure principle in human motivation or the drive to behave aggressively and destructively. It is not merely that religion diverges from Freud's views of man. That would be mere error. There must be more, and that more is that, besides being wrong, the principle of the "universal love of mankind" is taken to be "the highest standpoint which man can reach," to be one of civilized society's "ideal demands." Plausibly, Freud's irritation with religion stems from his view of it as both spurious *and* revered. What is considered to be of immense value and man's highest aspiration is, in reality, a delusion and, therefore, worse than a collection of false ideas. Religion is a fraud. The august and respectable is secretly corrupt.

Of course, to point out that Freud complains that religion is insufficiently Freudian does not mean that he is wrong; resentment and truth are not incompatible. But is psychoanalytic theory true? If it is, then Freud's psychoanalysis of religion may be correct. If not, then a disapproving

10. *Ibid.*, pp. 31-32.
11. *Ibid.*, pp. 57 and pp. 65-68.
12. *Ibid.*, p. 22 and p. 36.

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psychoanalysis of religion is scarcely damaging; and if psychoanalytic theory *is* true, but unsuitable for analyzing religion, then any such criticism is beside the point. Only if psychoanalytic theory is true, *and* religion can be so analyzed, *and* if such an analysis is in some sense discrediting, then Freud will have unmasked religion with the force he imagines. As it turns out, however, only the first question is pertinent, since all other questions hinge on whether psychoanalytic theory is true. Yet, there are a number of reasons — both practical and theoretical — for thinking that it is at least as dubious as Freud thinks religion is.

On the practical side, there is no persuasive evidence that Freud ever managed to cure anyone. An auto mechanic who claims to know the inner workings of cars and who has the tools for fixing them should have at least a few successful "patients" on the road. Freud cannot pass this test. Crews points this out several times: "Freud's record includes not a single validated cure"; he "was unable to document a single unambiguously efficacious treatment"; and "psychoanalysis did not make its way in the world . . . by curing sick patients."[13] Frank Sulloway found that Freud offered "only six detailed case histories," and they lend his theory such dubious support "that one may seriously wonder why Freud even bothered to publish them."[14] Sulloway goes on to quote Fisher and Greenberg: "It is curious and striking that Freud chose to demonstrate the utility of psychoanalysis through descriptions of largely unsuccessful cases." The point is that, if psychoanalytic theory is correct, one would expect it to have, if not a perfect or near-perfect cure rate, at least a better record than it has.

Of course, there are variables relevant to the successful application of a technique other than its truth: Freud may have been a poor practitioner of his own otherwise correct theory; the patients may have had complicating and unrecognized organic ailments; judgments of the degree of benefit provided to a patient can vary; treatment may have been terminated prematurely; etc. Amplifying this from the other side, Barbara Von Eckhardt points out, citing Grünbaum, that a successful psychoanalysis may be the consequence of factors outside the theory and occurring concurrently with therapy, such as a trusting relation between therapist and patient, and nonanalytic methods can also be effective.[15] The point is that the factors affecting therapeutic outcomes, good, bad, and mixed are influenced by so many

13. Crews, in *Unauthorized Freud*, *op. cit.*, pp. 143 and 215.
14. Frank Sulloway, "Exemplary Botches," in *Unauthorized Freud*, *op. cit.*, p. 175.
15. Barbara Von Eckhardt, "Can Intuitive Proof Suffice?" in *Unauthorized Freud*, *op. cit.*, p. 114.

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elements that the results cannot really count against psychoanalytic theory.

Von Eckhardt asks about what makes a theory acceptable. In her view, there are two tests: first, that the theory explain a set of relevant data; second, that the theory be preferable to its alternatives.[16] The data Freud sought to explain were clinical; thus, he relied on data "as they *happen to occur*," rather than on data adequate to allow predictive discrimination between theories. This means that he passed the first test, but not the second. Von Eckhardt gives no example of how the second test might work, but what she has in mind is that, where two incompatible theories both explain a set of data, a test must be constructed where each theory predicts a different outcome for a single phenomenon. When the phenomenon occurs, the theory which predicts correctly, assuming that one does, is to be preferred. Freud never did anything of the kind.

More damaging, Freud did not avail himself of *any* of the predictive possibilities available, even those within the clinical setting. He was satisfied with the theory as long as it explained the data. Typically he would start with an assumption, combine it with observations, and then produce questions and answer them. That became his hypothesis. If he was able to make "further observations explainable by the hypothesis," he considered it to be confirmed. If not, he revised the hypothesis, but never "subjected it to rigorous predictive tests."[17] In Von Eckhardt's view, there is a third requirement for an acceptable theory: that the data which underwrite it be "objective" in a minimal sense, i.e., the testing of the hypothesis must not presuppose that the tested hypothesis is true.

With Freud, the data supporting his theory are the meanings of associations, slips of the tongue, jokes, symptoms, etc. His preexisting theoretical commitments influenced his facts: first, by actively soliciting "key associations" or frankly supplying them himself; second, by assuming that slips, jokes, etc. imply a "closeness of fit" between his interpretation and psychoanalytic theory. In other words, the data became such after being filtered through the theory: the facts rest on the theory and the theory on the facts. This does not mean that psychoanalytic theory is false, only that it is inadequately supported. After nearly a century, it remains a mere hypothesis.[18]

Of course, Freud has partisans. Crews cites Richard Rorty as crediting Freud as the source of a new way of explaining "quirks, fantasies, and neurotic miseries," and Lear links an acceptance of Freud to the

16. *Ibid.*, pp. 107-108.
17. *Ibid.*, pp. 108-109.
18. *Ibid.*, p. 115.

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upholding of human "depth" against a view of man as a shallow cipher.[19] Others have claimed that psychoanalytic theory is just a development of how inferences are common-sensically drawn about one another's motives. As Crews points out, however, other theorists have explained human foibles and found depth independently of Freud. And it is not in its broadest outlines, but in its specifics that Freud is counter-intuitive; e.g., his view "that each peculiarity in someone's behavior must stem from a specific childhood ordeal."[20]

If all this is right, why has psychoanalysis been accepted so widely? The answer may be that it has merits having nothing to do with its truth. There are no less than three of these. The first is Freud's prodigious gifts as a story-teller. Almost every source, even those least inclined to accept Freud's ideas, comments on this. Paul Johnson, who avers that "Freud's work had little true scientific content" and that Freud's "methods of therapy have proved, on the whole, costly failures," also praises it for possessing "literary and imaginative qualities of a high order," and speaks of Freud's "gift for classical allusion and imagery."[21] Although Freud regarded psychoanalytic theory as science, Stanley Fish refers to the "story" that therapy constructs and to Freud's "narrative necessity."[22]

Freud's works appear to have relied primarily on a single compelling narrative strategy: the uncovering of the hidden unity among a set of apparently unrelated phenomena — the detective-story strategy. Unrelated events are discovered to be linked, causes to be effects, the commonplace to be bizarre. Crews writes of how Freud saw himself "as a master sleuth, very much in the mold of his favorite literary character, Sherlock Holmes."[23] Sebastiano Timpanaro concurs: Freud's posture as the infallible extractor of secrets "is the most powerful means of suggestion at [his] disposal."[24]

That this strategy has such seductive power may be due to its reflection of today's suspicion toward religious tradition and the sense that life has been stripped of meaning. Freud's method fuses both tendencies by re-enchanting that world, subjecting "the most trivial signs" "of everyday life" to its suspicious gaze, and finding in them "the deepest significance."[25]

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19. Crews, in *Unauthorized Freud*, *op. cit.*, pp. xxii-xxiii.
20. *Ibid.*, p. xxiv.
21. Johnson, *Modern Times*, *op. cit.*, pp. 6-7.
22. Stanley Fish, "The Primal Scene of Persuasion," in *Unauthorized Freud*, *op. cit.*, pp. 189 and 199.
23. Crews, in *Unauthorized Freud*, *op. cit.*, p. 95.
24. Sebastiano Timpanaro, "Error's Reign," in *Unauthorized Freud*, *op. cit.*, p. 102.
25. Crews, in *Unauthorized Freud*, *op. cit.*, p. 215.

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According to John Farrell, under the totalizing "power of suspicion," actions are reinterpreted in order to "experience a thrill of comprehension."[26] According to Johnson, "the decline and collapse of the religious impulse" has led to a vacuum. Thus, "the history of modern times is in great part the history of how that vacuum has been filled."[27] Freudian theory is one such filling: a Gnosticism without God. It is as if the endless duplicity of the characters in a detective novel has been elevated to a universal principle, and one finds with pleasure and relief that the apparently empty, disconnected world is in fact deeply coherent.

The second merit is its attraction for those who actually undergo therapy. Among them, Ernest Gellner mentions: the pleasure of confession, both in abandoning "the strenuous efforts to maintain the normal façade" and in being comprehended and forgiven; the pleasures of solving an interesting puzzle focused on oneself; the related pleasure of having attention paid to one, etc.[28]

This is what Farrell calls psychoanalytic theory's "allure," its "charisma."[29] But Freud's theory has yet another merit, which approaches (although it does not attain) the level of objective truth he wants to claim for it: the light it sheds on Christianity. According to Geoffrey Parrinder, "Christianity, like Buddhism, developed as an ascetic religion."[30] Not only is there regulation of clergy and monks, but a general "depreciation of sex." He traces this to several sources: a strain of asceticism in Hellenistic philosophy that developed in reaction to "sexual laxity in classical times"; the possibility of an early influence on Christianity by Buddhism concerning sexual abstinence; and various kinds of Gnosticism, some of whose adherents, such as Marcion, were influential in the early church and "regarded matter as inherently evil," and marriage and reproduction "as the works of Satan."[31] It is not that Jesus and the Church have had nothing to say about marriage, divorce, and related topics, but Christianity is to be contrasted with Hinduism, about which Parrinder's claims the nowhere "have the close relationships of religion and sex been displayed more clearly."[32]

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26. John Farrell, "Paranoia Methodized," in *Unauthorized Freud*, *op. cit.*, p. 231.
27. Paul Johnson, *Modern Times*, *op. cit.*, p. 48.
28. Ernest Gellner, "Free Fall," in *Unauthorized Freud*, *op. cit.*, pp. 223-225.
29. John Farrell, "Paranoia Methodized," in *Unauthorized Freud*, *op. cit.*, p. 232.
30. Geoffrey Parrinder, *Sex in the World's Religions* (New York: Sheldon Press and Oxford University Press, 1980), p. 246.
31. *Ibid.*, p. 204 and pp. 205-206.
32. *Ibid.*, p. 5.

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One inference here may be that the erotic is not deeply integrated in the Christian tradition; it is dealt with only insofar as it falls within the domain of sin, redemption, or other characteristic Christian themes, but not as an autonomous area whose energies can be turned to theological purpose through Christian symbols and ritual. To the extent that Freud's observations draw attention to this, he is correct that there may be an important element suppressed in the Christian view, which may reflect adversely on the Christians' chances for human happiness. At any rate, while psychoanalysis cannot be considered scientific or true, Freudianism stands along with Darwinism, Marxism, and other -isms, whose appeal and durability in the end rests less on their truth than on their understanding of religion and of other areas of life by bringing to awareness previously ignored dimensions.

What does any of this have to do with religious commitment? Two points need to be made here. The first is that pluralism and the diffusion of authority are conspicuous attributes of modernity. No single system of ideas, such as religion, dominates or coordinates the others. Anthony Giddens speaks of this as "the pluralization of contexts of action and the diversity of authorities;" in high modernity " there are no determinate authorities."[33] In premodern cultures, local traditions, especially religious ones, tended to preclude alternatives. "The local community and kinship system" also exerted powerful "compulsion" for stability and uniformity. In modern societies, however, while religion has persisted and, in some respects, is even resurgent, that tradition is only one among several kinds of authority, "part of an indefinite pluralism of expertise."[34] There is no overarching coordinator of its local forms, merely a general skepticism, which "pluralistic circumstances almost inevitably presuppose."

There are tendencies in the opposite direction. Experience mediated by television, computers, etc. has also helped create "a single world, having a unitary framework of experience."[35] Other commonalities are "sacred cultural elements," including "traditional moral values," and the persistence of "belief in God;" discourses "that regulate behavior"; and imagined communities such as the nation.[36] Moreover, Giddens points

33. Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Cambridge: Polity Press, and Oxford: Basil Blackwell; Stanford, California: Stanford University Press, 1991), p. 5 and p. 194.

34. *Ibid.*, p. 195.

35. *Ibid.*, pp. 4-5.

36. Kenneth Thompson, "Religion, Values, and Ideology," in *Modernity: an Introduction to Modern Societies,* ed. by Stuart Hall, David Held, Donald Huber, and Kenneth Thompson (Cambridge, Massachusetts: Blackwell Publishers, Inc., 1996), p. 398.

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out that this concept of the modern pluralization of authority is not to be mistaken for the claim that modern lives take place under a perpetual shadow of doubt. In the ordinary course of events, routine and lifestyle commitments provide stability.[37] Yet, the fact that the subject is discussed at all suggests that there is no single, guiding orientation. There are, instead, jostling orientations, each of which can serve as a framework for personal identity and a comprehensive view of life.[38] As Bruce Lawerence put it, modernity involves "the pluralization of consciousness and the relativization of historical moments: many eyes, many turning points, with no shield of continuity, no ground of unity."[39]

The second feature of modernity, which transforms pluralism from cognition to social force and makes options into *living* options for millions, is mobility: social, physical, and intellectual mobility: the " decline of the traditional social order, with its fixed social hierarchies . . . and the appearance of a dynamic social and sexual division of labor."[40] Stuart Hall claims that social status in modernity has tended to become less fixed and more sensitive to factors other than tradition. Today, one can rise or fall in the social order more easily than his medieval ancestor, from one position in the general pluralism to another, and, to the extent that different positions produce or entail different values, these will change as well. In other words, modernity has enlarged the individual's possibilities for attaining and internalizing new social milieus and their associated meanings.

Giddens writes about the distinctively modern problem of "lifestyle," and points out its link to the "superficial consumerism" of "glossy magazines and advertising." Yet, in view of the ubiquity and necessity of choice consequent on modernity, it also has a deeper meaning. "A lifestyle can be defined as a more or less integrated set of practices which an individual embraces," because it gives material form to "a particular narrative of self-identity."[41] Berman characterizes the same phenomenon as the "desire to be rooted in a stable and coherent personal and social past;" the "desperate allegiances" to attain "a firm 'identity.'"[42] In other words, a

37. Anthony Giddens, *Modernity and Self-Identity*, *op. cit.*, pp. 195-196.
38. *Ibid.*, p. 5.
39. Bruce B. Lawrence, *Defenders of God: The Fundamentalist Revolt Against the Modern Age* (Columbia, South Carolina: University of South Carolina Press, 1989), p. 67.
40. Stuart Hall, introduction to *Modernity: An Introduction to Modern Societies*, *op. cit.*, p. 8.
41. *Ibid.*, 81.
42. Marshall Berman, *All That is Solid Melts into Air: The Experience of Modernity* (New York: Penguin Books, 1998), p. 35.

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"lifestyle" is the set of choices which answer, as part of a story-telling, central questions about who one is, what one is, and lets others know how one expects to be regarded by them. According to Giddens, people wish to be intelligible not only to themselves, but to others as well, that even for those who have not made the same choices, nevertheless give a coherent and intelligible account of who they are, i.e., make sense. Lifestyle is about decisions great and small, who to be and what to eat, and the more non-traditional "the settings in which an individual moves, the more lifestyle concerns the very core of self-identity."[43]

When lifestyles are "adopted," rather than "handed down," how can one meaning or set of meanings be preferred to another? "Choices," "decisions," etc., suggest that the binding to a pattern of beliefs and behaviors that formerly came from *outside*, now comes from *inside*, through the self-conscious formation of commitments. For Giddens, commitment is the narrowing of options, a closing of possibilities; it is that which "replaces the external anchors" of "pre-modern situations."[44] Again, the focus is on person-to-person commitment. Yet, the main characteristics of commitment are duration or persistence, reciprocity ("an effort-bargain," in Giddens's view, by which each party to the commitment is able to view the other as trying to make the situation generally satisfying for both), and the acceptance of risks entailed by giving up other options, a certain awareness that things could be otherwise, and that, in different arrangements, other advantages and satisfactions are available. Here, Giddens contrasts commitment with "inertial drag," meaning "habit."[45]

Duration or persistence of involvement seems to be as appropriate of lifestyle as of personal commitment. In place of "reciprocity," which is possible only where there are intending agents, more fitting is "continuity," in the sense of being continuous with the precepts of a chosen lifestyle and with the valuings and actions of those who share this commitment. This can be reciprocity with unseen others, mediated by common practice. "Continuity" is preferable to "identity," because it is more elastic and better captures the variety within a given lifestyle. The acceptance of the risk Giddens sees in personal relations can carry over into lifestyle, i.e., the availability of other lifestyle options has been considered, but gone beyond; the choice is past, and the horizon of what one

43. Anthony Giddens, *Modernity and Self-Identity, op. cit.*, p. 81.
44. *Ibid.*, pp. 92 and 170.
45. *Ibid.*, pp. 92-93.

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is and does is defined by *this* lifestyle.

Giddens adds that commitment is "a particular species of trust," and trust is a kind of "irreducible" faith in something. The example he gives is confidence in "expert systems" that affect ones life, but which are really not understood:[46] there is no requirement of trust when a "system is more or less completely known." Trust brackets the limited knowledge most people possess about "coded information which routinely affects their lives." Also, basic trust is "a screening-off device in relation to risks and dangers."[47]

What is significant here is less the details of Giddens's particular understanding of it than the motifs suggests: primarily, commitment comes from within, rather than being imposed; just as significantly, commitment is not aligned with repeatedly selecting from among a proliferation of options, but with its opposite, persistence; reciprocity or continuity also weigh on the side of stability and sameness; and acceptance of risk implies at least a limited closure to alternatives. Thus, lifestyle commitment is engagement with a finite, enduring, and at least relatively fixed system of values, primarily because of the nature of trust. Where there is commitment, there must be stability and simplicity.

Stephen Pepper supports this thesis: one is committed to a belief when there is the expectation that it will perform with regard to a purpose, which, in general, is the bringing of the drive toward that purpose to fulfillment.[48] He distinguishes three types of commitment: inertial, intelligent, and inverted inertial. "Inertial commitment" obtains when the clearer the evidence that a course of action will attain a desired goal, the greater one's commitment to it; the weaker the evidence, the weaker the commitment. Although Pepper does not characterize strong and weak evidence, the latter can be of at least two kinds: first, where there is a lack of support for the idea that a certain action will accomplish one's purpose; and second, where there is an abundance of evidence, but it does not point to a single conclusion, i.e., it is ambiguous.

"Intelligent commitment" is not related to the strength of the evidence in favor of a particular course of action in regard to fulfilling a purpose, but to the strength of evidence for one alternative relative to the strength for other alternatives; it is sometimes "wise to give full commitment to the best of a number of alternative actions, even though the evidence [for

46. *Ibid.*, p. 19.
47. *Ibid.*, pp. 39-40.
48. Stephen C. Pepper, *The Sources of Value* (Berkeley and Los Angeles: University of California Press, 1958), p. 78.

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it] is far from conclusive." "Inverted inertial commitment" means giving "judgments the appearance of certainty without recourse to a weighing of the evidence" by means of "dogmatism . . . : appeals to self-evidence, indubitable immediacy, and infallible authority."[49] The point is that, instead of acknowledging that a commitment is intelligent, i.e., good only relative to other alternatives, there is an effort to present it as inertial, i.e., as *absolutely* likely or certain.

In the case of inertial commitment, the more directly and compellingly the evidence indicates what to do, the greater the commitment to do it; in the case of intelligent commitment, one's attention turns from the multiplicity of choices, where evidence is weak, or from the ambiguous proliferation of evidence, where it is too abundant, toward the simplicity of one's need to achieve a purpose; in the case of inverted inertial commitment, the perhaps inescapable weakness or diffuseness of the evidence is simply denied or suppressed. Commitment, then, is intimately linked to constancy, limits, closure, and simplification, understood as unity. Commitment exists where there is a stable containment or finitude of unified meaning. What erodes or impedes conditions of stability and simplicity also erodes or impedes commitment.

What does this have to do with Freud's vision of religion in *Civilization and Its Discontents*? Psychoanalytic theory means change and complication. To the extent that it brings to the surface an additional dimension of understanding of what religion is, Freud's theory alters how religion is comprehended. This is not because psychoanalytic theory is true, but because it grafts onto existing views another element that has something to recommend it. It does not matter whether this process is an enrichment, a muddying, or a debasement. What matters is that it effects change and causes complications. In doing so, it tends to erode the conditions for successful commitment, i.e., the inwardly-based mode of being religious available today. By altering and laying on additional strata to what religion means, psychoanalytic theory makes it harder to be committed.

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49. *Ibid.*, p. 81.

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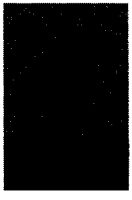

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On the Unabomber

Scott Corey

On May 5, 1998, Theodore John Kaczynski was sentenced to life in prison for violating federal firearms, explosives, and postal laws. Three people had been killed and twenty-nine injured by the "Unabomber" crimes, and new levels of security precautions became part of life in the US. Every aspect of this episode — the politics, the arrest, the evidence, and the defendant's sanity — depends on Kaczynski's writings. Academia has ignored the subject, implying that sending bombs to universities is an effective way of deterring intellectuals from analyzing terrorism.[1] The most important document, *Industrial Society and Its Future* (deftly renamed "The Unabomber Manifesto" by the FBI), purports to have been written by a revolutionary group calling itself FC (Freedom Club). On close examination, this document turns out to be (a) the product of long, serious research, (b) revolutionary anarchism seeking to incorporate a spectrum of allies, and (c) a rough political compromise between (at least) two worldviews.

The Outer Layer

Industrial Society is over 35,000 words long. Publication of the essay was a condition for FC to end its attempts to kill and to limit itself to sabotage. The argument proceeds in a conventional way. It defines people's basic character, and relates it to adequate versus unfulfilling ways of life. A good society is one that promotes the better ways, while a

1. The sole academic article is Tim Luke, "Re-Reading the Unabomber Manifesto," in *Telos* 107 (Spring 1996), pp. 81-94; but see also David C. Rapoport, "Editorial" The Media and Terrorism; Implications of the Unabomber Case," in *Terrorism and Political Violence*, Vol. 8, No. 1, pp. vii-viii.

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bad one hinders them. Next, the essay outlines a few principles governing society, criticizes contemporary society, and prefigures two alternative futures. More substantively, *Industrial Society* claims that humanity needs to experience "autonomously" the "power process." Deviation from this true humanity includes "surrogate activities" (especially those of scientists) such as mass entertainment, consumer culture, and identification with mass society. The cost of these activities is deprivation of the chance to live in accordance with one's nature.[2]

"Freedom," defined as the opportunity to go through the "power process," is the criterion for a good society. "Some Principles of History" are enumerated, and "industrial-technological society" is judged as irreversibly destined to destroy human freedom. Technology is not determined by humans, but "it is human behavior that has to be modified to fit the needs of the system . . . the system is guided not by ideology but by technical necessity."[3] Currently, the system is approaching crisis, because of the great psychological frustration, social disorder, and ecological damage it generates as it clashes with both human nature and nature as such. Therefore, humanity must choose between revolution and the betrayal of human nature. The system may overcome these problems and people will be happy. Such a result, however, is still considered odious, because FC believes it can only be achieved by psychologically and biologically separating humanity from the need for freedom and dignity, i.e., by everyone ceasing to be truly human. To avert this, social instability can be exploited by anarchists, producing an intense "time of troubles" that will lead back to "*wild* nature" — a condition similar to that of frontier America. Since the earth cannot support its current population without a technological society, FC predicts that humanity will face a massive and probably painful decline.

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2. The essay was published jointly by *The New York Times* and *The Washington Post* on September 19, 1995, with the FBI's approval. To clarify ideas and respond to critics, FC also demanded publication of 2,000 word essays in each of three succeeding years. The essay is well written, but poorly organized. The language is simple, but readers often find it dense. Only the strange organization of the subtitled sections causes problems. There is a well structured introduction, followed by a sudden digression into leftist psychology not mentioned in the introduction. If less space were devoted to leftism, and the psychology sections had been relocated, *Industrial Society* would have been less difficult to understand

3. FC, *Industrial Society and Its Future* (Berkeley CA: Jolly Roger, 1995), ¶119 and others. The book is out of print, but there are several versions on the web, of which <http://www.cs.umass.edu/~ehaugsja/unabomb/docs/manifesto.toc.html> is recommended.

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The Second Layer: FC & Jacques Ellul

Industrial Society mentions several books and authors, while other sources are apparent even though not explicitly identified. For example, James Q. Wilson (past President of the APSA) has indicated that the end of ¶139 is a fair depiction of his own views.[4] The most vital source is Jacques Ellul. His influence is crucial. FC's major concepts, such as "technology," are derived from him. For Ellul, technology designates a category of knowledge more than a collection of machines. Hence, Ellul and FC continually speak of behavioral psychology, bureaucracy, and political lobbying as "technology."[5] Yet, Ellul was not a true Luddite. His ideas, however, are the point of departure for the negative aspects of FC's worldview, which are genuinely Luddite. Despite its debt to Ellul, FC's program is in blunt defiance of his expressed beliefs. As early as *The Technological Society*, Ellul taught that it was no longer possible to find freedom through political action, or the hermetic life.[6] In 1971, he published a book (which Kaczynski read) in which he refused to endorse any

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4. James Q. Wilson, "In Search of Madness," in *New York Times* (January 15, 1998), A 21. Cf. also Tom R. Tyler, *Why People Obey the Law* (New Haven, CN: Yale, 1990). Tyler was one of the many psychologists who commented on the Unabomber, but he is the only one to whom FC sent a copy of *Industrial Society*, along with a letter asking him to give serious consideration to certain questions. See John Douglas and Mark Olshaker, *Unabomber: On the Trail of America's Most-Wanted Serial Killer* (New York: Pocket Books, 1996), pp. 189-90.

5. Compare the following citations:

> Ellul: "*In a given civilization, technical progress is irreversible.*" (Italics in original)
>
> FC: "But technological advances are permanent within the context of a given civilization."
>
> Ellul: ". . . man can never foresee the totality of consequences of a given technical action. History shows that every technical application from its beginnings presents certain unforeseeable secondary effects which are much more disastrous than the lack of the technique would have been."
>
> FC: "They are unaware of (or choose to ignore) the fact that when large changes, even seemingly beneficial ones, are introduced into a society, they lead to a long sequence of other changes, most of which are impossible to predict . . . technical progress will lead to other new problems for society far more rapidly than it has been solving old ones."
>
> Ellul: "The technical phenomenon cannot be broken down in such a way as to retain the good and reject the bad."
>
> FC: "The "Bad" Parts of Technology Cannot Be Separated From the "Good" Parts."

See Jacques Ellul, *The Technological Society* (New York: Alfred A. Knopf, 1964), pp. 89, 105 and 111, respectively; FC, *Industrial Society*, *op. cit.*, ¶133, 170 and 121, respectively.

6. Ellul, *The Technological Society*, *ibid.*, pp. 77ff.

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positive goal, arguing that revolution is intrinsically "anti."[7] In 1976, two years before the first bomb exploded and 19 years before the publication of *Industrial Society*, Ellul denounced virtually every FC position.

Most likely, Ellul was addressing the temper of the times, but he may have known of FC. FC announced its forthcoming essay about 13 months after death made it impossible for Ellul to repudiate it, as he probably would have. A passionate Protestant theologian, Ellul dismissed as "absurd" the notion that humans are "naturally" free. For him, the only true freedom is salvation in Jesus. So freedom is "not in conformity with nature; it is against it."[8] Freedom and power are incompatible.[9] Although, "an a-political attitude is in no sense a mark of freedom," revolutionaries typically overturn society only to become its next masters, and "such a one is in the service of Satan."[10] The required "revolution" is in human consciousness, seeking autonomy, rationality, and contemplation.[11] Finally, to Ellul, anarchists are hopeless utopians,[12] but (in what may have been a fateful concession)[13] their broad opposition to technological

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7. Ellul, *Autopsy of Revolution*, tr. by Patricia Wolf (New York: Alfred A. Knopf, 1971), pp. 250-1 and 279-81; on Kaczynski's reading it, see US v. Kaczynski, (E.D.Cal 1998) [Docket no. 96-CR-259] Document #573, p. 17. The file is in the Federal Courthouse in Sacramento, CA.

8. Ellul, *The Ethics of Freedom*, tr. and ed. by Geoffrey W. Bromiley (Grand Rapids, MI: William B. Erdmans, 1976), p. 91 and 93, respectively; see also pp. 11-15 etc.

9. *Ibid.*, pp. 12 and 57, etc.

10. *Ibid.*, pp. 374 and 56, etc.

11. Ellul, *Autopsy of Revolution*, *op. cit.*, pp. 280-91, especially p. 283.

12. Ellul, *The Ethics of Freedom*, *op. cit.*, pp. 185, 273, etc.

13. FC's idea of what revolutionary praxis requires has a recognizable ancestry. ¶117 and n. 17 illustrate the collective action problem with reference to the decline of efficacy as groups become larger. See Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (Cambridge, MA: Harvard, 1971) pp. 48 etc. See also his *Rise and Decline of Nations* (New Haven, CN: Yale, 1982) pp. 31-3. The argument that positive reinforcement is superior to negative ones (¶132 and 141) is associated with Skinner. See B. F. Skinner, *Science and Human Behavior* (New York: MacMillan, 1953), pp. 182-93. FC's strong sense of "political" versus "structural" revolution may come from Arendt, but adopts her opponents' view that the political upheavals are not "real" revolutions. The distinction between revolutions "from above" and those "from below" (¶194) is Barrington Moore's. The argument that "people hate psychological conflict" (¶186 and n. 5) probably relies on Leon Festinger. Finally, FC's claim that a revolution cannot just advocate destruction, but needs "positive goals" (¶183) probably derives from what Chalmers Johnson calls a "goal culture." See, respectively: Hannah Arendt, *On Revolution* (New York: Pelican, 1984), pp. 24-5, 59-114 (first published 1963); Barrington Moore, *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston, MA: Beacon, 1966), pp. 433-52; Leon Festinger, *A Theory of Cognitive Dissonance* (Stanford, CA: Stanford U. Press, 1957), pp. 1-31; Chalmers Johnson, *Revolutionary Change*, 2nd ed. (Stanford, CA: Stanford U. Press, 1982), p. 87.

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society validates them as temporary secular allies. Clearly, by the time of the publication of *The Ethics of Freedom* (1976), Ellul's beliefs were not FC's. Still, Ellul retains a hold on FC's thinking, so that the adoption of any positive goals is considered strictly pragmatic (¶183).

The Third Layer: Signs of Compromise

Industrial Society is not just Ellul plus violence and some books on revolution. The essay violates rules of good composition in ways that suggest compromise prevailed over sound exposition.[14] Read with a political eye, the early sections of any political platform often represent the most polished expression of a hard-wrought compromise. At the end of this essay, though, the compromise seems shaken, as harsh attacks alternate with equivocal caveats. There are also some stylistic variations. Comments on revolutions and how to live are expressed in rather general terms, using succinct, well-integrated passages, and rarely employing citations. Treatments of technology and frustration tend to be more extended, using everyday examples, and often providing citations. The capitalization and yoking together of INDIVIDUAL and SMALL GROUPS are also worrisome. Ordinarily, an individualist writer might emphasize "small" to stress a very slight concession, while "positive freedom" authors usually dismiss "rugged" individualism as unrealistic. The capitals suggest an attempt to give equal prominence to usually antagonistic views. *Industrial Society* is even equivocal on its own status as a political document. FC is adamant that the coming revolution will not be political, despite its obviously substantial effort to include political concepts. Yet, almost the entire last portion of the essay (¶180 to ¶230) is meant to establish the "correct line" for the coming revolution.

The Fourth Layer: Frustration, Deprivation, and System

In FC's view, the "power process" consists of goal formation, pursuit of goals, and goal achievement (¶33). Everyone needs to encounter a moderate degree of difficulty, and occasionally achieve some goals. Some people need to choose these goals autonomously (¶42-4). If achievement is too easy, people suffer from the same boredom afflicting

14. It would read more smoothly if all of the sections on basic human nature were together, instead of interspersed with discussions of various human maladies. However, the placement of the sections on leftist psychology after an introduction that does not mention them is the most awkward choice. Yet, by the end of the essay, FC is waffling to the point of saying that the claims about leftists may be imprecise or flatly "wrong."

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decadent aristocrats (¶34-5). If it is too difficult, they become frustrated (¶36).[15] Socially, the opportunity to experience the power process autonomously is FC's very definition of freedom. Unfreedom is the "deprivation" of such opportunity, and indicates that society is causing individual frustration on a mass scale. The industrial-technological system is guilty of this, and has grown to global proportions. At the same time, the massive interdependence of the system means that it is vulnerable to collapse if instability is sufficiently exacerbated. This tightly interconnected worldview is a familiar one.[16]

It is part of a paradigm that was gospel in its day. Full application of mathematics and the rigor of science was its avowed goal. "General systems" thinking was founded by a mathematician and, in principle, could be represented by symbolic equations.[17] Frustration-aggression was inspired by Freud, but was based on observable behavior. Deprivation at the level of social aggregates was framed in theorems, correlates, and quantifiable economic measures and other social conditions. The whole

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15. FC relies heavily on the notion of frustration to explain individual psychological problems. In particular, note #6 attributes a vast array of human suffering to frustration. Note #6 also provides a (hand drawn, in the original) cognitive map of the relations among these conditions, and those resulting from ease of achievement as well.

16. The power process elements homogenize and simplify the notion of goal oriented behavior found in John Dollard's frustration-aggression hypothesis, and the "unit action" espoused by Talcott Parsons. See John Dollard, *et al.*, *Frustration and Aggression* (New Haven, CT: Yale University Press, 1939), pp. 1-11, 27; Talcott Parsons and Edward Shils, eds., *Toward A General Theory of Action* (Cambridge, MA: Harvard University Press, 1951), pp. 48, 53; Talcott Parsons, *The Social System* (New York: Free Press, 1951), pp. 4-9, 57-67. Note #6 provides a basic description of frustration-aggression, and FC's belief that "primitive" cultures do not suffer as much frustration as modern ones is a possibility examined at some length in Dollard (which may also be the source for FC's use of the term "surrogate"). Parsons and his co-authors connect individual psychological difficulties to the social system by way of "deprivation." That concept, in turn, is made the basis of a frustration-aggression explanation for revolutions by Ted Gurr. A book co- edited by Gurr (and strongly relying on his perspective) is cited by FC (note #16 and "alternative" note #16). See Hugh Davis Graham and Ted Robert Gurr, *The History of Violence in America*, rev. ed. (New York: Bantam, 1970), especially pp. 596-605.

17. There is some potential for confusion over the use of the term "system" by FC, because it appears to mean "social system" and "modernity" at the same time. However, that link is supplied by referring to Ellul, who explicitly endorsed Parsons' notion of system over many others, but felt that the technological system was not confined to any single country. Whatever Parsons would call "modern," Ellul would regard as tied into mass technology. See Ellul, *The Technological Society*, *op cit.*, pp. 123-33; and Jacques Ellul, *The Technological System*, tr. by Joachim Neugroschel (New York: Continuum, 1980), pp. 76-84.

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project was bound up in a worldview stressing materialism, anti-communism, and methodological individualism, although the latter clashed with "systems" thinking.

Although *Industrial Society* is dominated by individualism and behavioralism, other aspects are imported from a conflicting philosophy. Goal-oriented behavior is egoistic and usually materialistic. There is nothing about power or freedom in frustration-aggression. Why then is this called the "power process" instead of the "achievement drive"? Why is the social "opportunity" to achieve one's goals not understood in terms of a healthy (or depressed) "market" instead of as "freedom"? What has dignity or autonomy to do with it? What is the point of casting this political vocabulary across a psychological analysis if the goal of the revolution is supposedly not political? At the core of human nature, according to FC, lies the relation to freedom and power. "Freedom" is never used in a careless or ambiguous manner. It always means exactly what it is defined to mean: "the opportunity to go through the power process, with real goals, not the artificial goals of surrogate activities, and without interference, manipulation, or supervision from anyone, especially from any large organization" (¶94). The word "power" is one of the most frequently used terms in the essay, but it is difficult to sort out its meaning in various contexts. People have a "widely recognized" need for power (¶33). The "power process" is something related, but different and, to FC, more important. The "power process," is carefully defined, but often confused with the need for power. Being "power hungry" seems different again, a negative thing. But if everyone needs power, why are some not power hungry? The need to go through the power process is psychological, but a person can be subject to the power of others, implying that it is relational. It is debilitating to be frustrated in one's goals (powerlessness), but also to succeed too easily (perhaps be too powerful).

FC insists (often in capitalized type) that freedom is only possible for an individual or a small group. The stipulation of a small group is interesting, because it differs from Ellul. He sees society prior to the Industrial Revolution as sufficiently natural to allow the freedom to withdraw, apparently into the life of a hermit or a monk. FC admits that early New England and the Italian city-states did not preclude freedom, but only because oppression was still subject to technological limitations (¶95). However, FC wants a group so small (¶42 uses six members as an example) that membership is entirely voluntary. This situation would allow everyone to go through the power process. There would be "power among" (though FC

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does not use the term), but no one would have "power over" anyone else.

The small group has another purpose. Everyone needs the power process, but the degree of need is different among individuals. Indeed, some do not even need true autonomy. FC is at some pains to explain "autonomy" for precisely this reason. Having stipulated that the power process is central to individual psychological and social well-being, FC nonetheless avers that "The majority of people are natural followers, not leaders. . ." (note #5). They still need autonomy, but only in the sense of wanting direct access to their leaders and the opportunity to participate "to some extent" in decision-making. Apparently, in a small group, the natural leaders will emerge without having "power over" anyone or making followers feel disempowered. By way of contrast, even the most powerful people in technological society are not very free. The needs of the system largely determine how they live and make decisions.

Even more revealing is FC's faithfulness to "power" and "freedom" when everything else is conceded. Even if the industrial-technological system were able to create universal happiness — if its propaganda could make people feel good about being disempowered and if it could solve the problem of ecological balance and achieve permanent social stability — FC would still damn the system and die fighting it. Freedom and dignity are what matters. Freedom is neither an absence of toil or danger, nor is it about happiness or clean air. It is about the experience of personal power. This empowerment is not a good or service that can be traded away for material abundance or satisfying diversions. The need for the power process is fundamental and can only be expunged by massive social control and genetic engineering, i.e., humans would have to cease being truly human. These ideas, however, are at odds with the assumptions about human nature intrinsic to the behaviorist paradigm, in which frustration comes from the failure to achieve egoistic, goal-oriented satisfaction. FC's concern for being robbed of one's essential nature is more like "dehumanization." FC believes (with Ellul) that it need not be frustrating at all, when properly soothed with consumerism and conditioning.

Now the strange twists and turns of "power" in the essay are a little more comprehensible. The need for power might be a nod to Nietzsche (but another source will be considered shortly). That power can exist among people without anyone having power over anyone is unmistakably from Arendt's understanding of Aristotle[18] — who may, in turn, contribute the

18. Hannah Arendt, *On Violence* (New York: Harcourt, Brace, and World, 1969), especially Chapter 2; Aristotle, *Ethics*, tr. by J. A. K. Thompson (New York: Penguin, 1955).

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notion of the "middle path" in goal satisfaction. Also from Aristotle is the hierarchy of natural followers and natural leaders. All are human to some degree, even though there are some "unthinking, animal types" whom FC might as well have termed "natural slaves." Others are more fully human, because of their deeper capacity for autonomy. In the world after systemic collapse, FC locates small, participatory democracy in a sea of atomistic survivalists, forming a rough compromise between the individualism of the behaviorist paradigm and a more community-oriented philosophical tradition.[19] FC's claim that 19th Century America was much like this is strained, but it illustrates FC's meaning.

The whole argument tends to become unintelligible when FC turns to measures of authentic participation in the power process. Anything other than the struggle to survive fails the test. "Surrogate activities" and "identification with the mass" are cited as artificial satisfactions of the power process. Scientists are particularly guilty of this, and their narrow pursuit of .t surrogate goals drives the whole system forward. Yet, this violates the philosophical view of Aristotle and Ellul that freedom can only be had if one escapes from the realm of obeying mere "necessity." A major point in Ellul's thought is that technique is always in the realm of "necessity."[20] The confusion is resolved by recognizing Marx' influence. FC is not dogmatically Marxist, but uses a few Marxian ideas. FC speaks of a "process" instead of a psychological "drive" in order to accept Parsons' transformation of Marx's labor process into a sort of decision-making process. Avoiding the abstraction to which Parsons was prone, FC stays close to the material world by requiring a struggle to survive. In Marx's labor process, people mix their labor with nature. FC's power process can be intra-social, but it must remain "within nature" — acting upon it, and being acted upon by it (¶198). Without adequate experience of the power process, people are estranged from themselves, from others, and from nature (including their own basic nature) in a manner parallel to what Marx called alienation, but now with the flavor of "evolutionary psychology."[21]

Marxism also equips FC's concept of the system with an abusive

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19. See Arendt, *On Revolution*, *op. cit.*, pp. 21-35; and Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), especially Chapter 5; Aristotle, *The Politics of Aristotle*, ed. and tr. by Ernest Barker (Oxford: Oxford, 1946), pp. 11-7.

20. Ellul, *The Technological Society*, *op. cit.*, pp. 116, 146, 271-2.

21. Karl Marx, "Economic and Philosophic Manuscripts of 1844," in Robert C. Tucker, ed., *The Marx-Engels Reader* (New York: W. W. Norton, 1978), pp. 70-101; Robert Wright, "The Evolution of Despair," in *Time*, Vol. 146, No. 9 (August 28, 1995), pp. 50-57.

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class structure, thus legitimating war on technocrats. As Ellul described, the system grows by incremental rational choices. Yet, FC also believes that it is pushed forward by reckless innovation. "Power hungry" technocrats and scientists pursue their unfulfillable surrogate needs, pushing everyone else toward the final eclipse. Members of the technical elite are not themselves free, but they may legitimately be attacked as targets of the revolution. The (normally) self-equilibrating system is facing a crisis, because of the contradictions between its needs and those of the (still human) beings that populate it. There is no "army of the unemployed," but ". . . there are growing numbers of people who in one way or another are rebels against the system: welfare leeches, youth gangs, cultists, Satanists, Nazis, radical environmentalists, militiamen, etc." (¶161). The coming revolution must aim at "the economic and technological basis of the present society," rather than at its political veneer. The majority of the people will be slow to understand this, because their "surrogate activities" and other efforts to "adjust" constitute a form of false consciousness.

Conceptual Epoxy: The Totalitarian Personality

Some aspects of *Industrial Society* aim at plastering over the disjuncture between its two worldviews, but careful inspection shows a persistent fissure. All of which leads to the subject of leftism. Ostensibly, there are two reasons for FC's discussion of leftism. The first three sections after the "Introduction" hold that leftists are an extreme manifestation of the sickness of modern society. Near the end of the essay, "The Danger of Leftism" warns would-be anarchists against the treachery of leftist infiltrators. These reasons are surely too thin to explain the scale and intensity of FC's denunciation. The essay strives to analyze leftism as a dangerous psychological type, not identical with political leftism as such. There is no discussion of property or labor. To support this approach, *Industrial Society* cites Eric Hoffer, construing leftists as a sub-genus of the "True Believer." Hoffer argued that true believers are drawn to (or emerge in) every stirring social movement.[22] FC understands this, and even concedes that the "True Believer" type is needed for its own revolution.

Leftist true believers are supposed to be inherently "totalitarian" (¶219-22). In FC's opinion, leftists are plagued with "feelings of inferiority" that lead them to identify with the weak and oppressed without having true compassion for them or doing anything that would be objectively

22. Eric Hoffer, *The True Believer* (New York: Harper and Brothers, 1951).

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helpful. By contrast, FC sympathizes with minorities and victims of social injustice but regards these as auxiliary forces that could become a distraction. An important subgroup of the Left also suffers from "oversocialization," which is the burden of fully taking to heart society's morality — a burden so demanding that no one can actually live up to it.

FC's leftist "totalitarianism" is derived from Adorno *et al.*'s long discredited works on the supposedly fascist "authoritarian personality."[23] Critics of Adorno have shown, among other things, that this rigid, dogmatic type could also be found on the Left, despite different ideological content.[24] FC supplies a (possibly unique) account of the specifically Left dogmatic believer. It is not a simple extension of Adorno. For instance, leftists supposedly suffer from an excessive burden of general social rules, rather than an overbearing (often parental) authority figure, thus distinguishing the "totalitarian" leftist from the "authoritarian" fascist.[25] Also, *Industrial Society* relies on two strains of thought on aggression. One is "frustration-aggression"; the other, Alfred Adler's "individual psychology."

Interestingly, although reliance on frustration-aggression thinking is scattered throughout the essay, the sections on leftists are almost devoid of it. The door to the second psychological dimension is found in note #2. FC argues that Freud emphasized sexual repression in Victorian society, but that today psychology has more to do with analyzing aggression. Focussing on aggression was one of the main reasons for Adler's departure from Freud's circle in Vienna, and the contrast of author, ideas, and contexts created in note #2 would be perfectly parallel if one were to add Adler's name. Furthermore, FC always uses the term "feelings of inferiority," rather than the almost cliché "inferiority complex." Adler is the original source for analysis of "feelings of inferiority," and underlined his preference for that phrase over "inferiority complex," which others began using during his lifetime.[26]

Adler's ideas further underpin FC's concept of "power." For Adler,

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23. Theodor W. Adorno, *et al.*, *The Authoritarian Personality* (New York: Harper and Row, 1950).

24. Edward Shils, "Authoritarianism: 'Right' and 'Left'," in Richard Christie and Marie Jahoda, eds., *Studies in the Scope and Method of "The Authoritarian Personality"* (Glencoe, IL: Free Press, 1954), pp. 24-49.

25. Adorno, *The Authoritarian Personality, op. cit.*, pp. 67-105, 337-89, especially pp. 370-6.

26. Heinz L. Ansbacher and Rowena R. Ansbacher, eds., *The Individual Psychology of Alfred Adler: A Systematic Presentation in Selections From His Writings* (New York: Harper and Row, 1956), p. 257.

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the key to mental health is power, seen as a sense of competence built by finding challenges one can meet. Well-adjusted people seek mastery in challenges and over things, not over people, because they are adjusted to living in community with others. Unhealthy people are convinced of their inferiority and are therefore obsessed with overcoming this condition, but they prop themselves up by setting goals so impossible that they can always excuse failure or blame others. Only by overcoming this blockage presented by other people can such an individual be satisfied, necessitating a goal of total superiority over others. In a rare venture into political commentary, Adler even associated this malignant orientation toward power with Bolshevism.[27] FC's belief that the need for power is universal, that achievement should be conceived of in terms of achieving power (rather than hedonistic satisfaction), that being "power hungry" is evil and debilitating, and that certain relations to power are prone to political leftism, all find theoretical support in Adler's writings. For Adler, however, scientists are well adjusted and benevolent. He has no notion comparable to "surrogate activities" that might provide a basis for judging science unhealthy and wrong. This is why FC has linked Adler and Marx to produce a psychologically malignant class that perpetuates the ills of the system.

The whole treatment of leftist psychology in *Industrial Society* only creates a secondary veneer of compromise, not a real synthesis. Adlerian psychology fits with the philosophical notion of an intrinsic human nature. It is not surprising that psychologists who read *Industrial Society* might mistake its intellectual ambition for mental confusion.[28] FC attempts to cover this conflict with the term "oversocialization." This is not a standard term. It is not in the encyclopedias and dictionaries of the field. Out of only four appearances of the term prior to publication of *Industrial Society*, two are significant. One writer (in a journal on gifted children) contrasts it to the value of nurturing and freedom in education. The other source seeks to explain murder as the result of a repressive upbringing that causes a brittle veneer of conformity across a core personality without conscience.[29] Yet, there is no mention of frustration, aggression, or deprivation in the section titled "Oversocialization."

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27. *Ibid.*, pp. 154-6, 240, 256-61, 293- 4 and 455-7.

28. Alston Chase, "Harvard and the Making of the Unabomber," in *Atlantic Monthly* (June 2000), pp. 41-65.

29. See Frances J. Norton, "Oversocialization in the Young Culturally Deprived Child," in *Exceptional Children*, Vol. 36, No. 3 (November 1969), pp. 149-55; Stuart Palmer, *A Study of Murder* (New York: Thomas Y. Crowell, 1960), pp. 7-10; and Dollard *et al.*, *Frustration and Aggression*, *op. cit.*, pp. 75-6.

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The Fifth Layer: Anarchism

If *Industrial Society* has at least two different worldviews, anarchism is the basis for reconciling them. The strain of thought connecting behavioralism, Ellul, and Luddism still dominates, but the second perspective (philosophically committed to positive freedom and community, indebted to Aristotle, and ecologist in orientation) is well represented. As suggested above, the negative agenda in *Industrial Society* can be described as a Neo-Luddite Ellulian heresy. FC never equivocates on the project's destructive aspect: ". . . while the industrial system is sick we must destroy it. If we compromise with it and let it recover from its sickness, it will eventually wipe out all of our freedom. . ." (¶135); ". . . And such an ideology will help to assure that, if and when industrial society breaks down, its remnants will be smashed beyond repair, so that the system cannot be reconstituted. The factories should be destroyed, technical books burned, etc. . . ." (¶166); ". . . Until the industrial system has been thoroughly wrecked, the destruction of that system must be the revolutionaries' ONLY goal. . ." (¶200).

What FC calls its "positive ideals" are best described as a Deep Ecology heresy, striving to incorporate a self-consciously "ecocentric" movement into a violent, "anthropocentric" revolution. To be sure, the tone of the passage on nature suggests that FC may share the environmentalists' love of nature. Yet, the passage endorsing "WILD nature" comes in the section on "Strategy." FC may be sentimental about nature, but the connection of nature to this revolutionary program is baldly pragmatic. FC knows that few will join a revolution that has only a destructive purpose. Therefore, a positive ideal is required, and nature has a proven appeal. The remainder of the "Strategy" section is simply a guide for revolutionary praxis. More to the point, FC's entire project aims at saving human freedom, a decidedly "anthropocentric" perspective.[30] Though FC is sympathetic to radical ecologists and hopes for their support, it cannot pass their basic test for membership. Clearly, the "positive" ecological aspect is part of the lesser voice in the essay. Participatory democracy has always been a part of the "green" agenda, especially for Europeans.[31] It makes sense to link the two here

30. See also Arne Naess, "The Deep Ecological Movement: Some Philosophical Aspects," in George Sessions, ed., *Deep Ecology for the 21st Century* (Boston: Shambala, 1995), pp. 64-84.

31. See Fritjof Capra and Charlene Spretnak (in collaboration with Lüdiger Rutz), *Green Politics: The Global Promise* (New York: Dutton, 1984).

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as well, forming a philosophical-Aristotelean-ecologist strand subordinated to the behaviorist-Ellulite-Luddite one.

FC presents itself as anarchist (¶215, and n. 34) and, in the context, it makes sense. If departure from Ellul defines FC's problem, it also sets the direction in which FC sought a solution. FC takes anarchism not as an appropriate ally, but as a foundation to which other beliefs are adapted. Its central agenda is the disintegration of all large organizations, private or governmental. Apart from such organizations, technology as such need not be bad. The crucial test is in the section titled "Two Kinds of Technology." If something does not make the user dependent on large scale organizations, it does not constitute a threat to freedom and can be allowed to survive into the post-revolutionary world.

FC's fundamental individualism belongs in the libertarian tradition of anarchism, rather than to social anarchism.[32] There have been attempts to claim that FC is leftist, even though *Industrial Society* openly dismisses leftists, and refuses to endorse even the most moderate Left positions.[33] Nothing supports the "leftist" characterization except the assumption that Deep Ecology is inherently leftist — an error sometimes described as "red-green confusion."[34] The sharp antipathy between "social" ecology

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32. Some passages of *Industrial Society* are too fragmentary to allow confident insights. The strange collection of "bourgeois" thinkers cited by FC actually reads like an attempt to obscure something else. For example, Simon Bolivar is mentioned. Bolivar was indeed a well educated man and a courageous leader, but he grew critical of liberal democracy as practiced in the Latin America of his time. See Vicente Lecuna (compiler) and Harold A. Bierck, Jr., ed., *Selected Writings of Bolivar*, Vol. 2 (New York: The Colonial Press, 1951), pp. 365-6, 625, and 669-70. See also Victor Andres Belaunde, *Bolivar and the Political Thought of the Spanish American Revolution* (New York: Octagon, 1967); Simon Bolivar, *An Address of Bolivar at The Congress of Angostura, February 15, 1819*, tr. by Francisco Javier Yanes (Washington, DC: Byron S. Adams, 1919). FC also cites Chinese writers, but one can find abundant evidence within the sources themselves that these are not paradigmatic advocates of liberal (or even "bourgeois") democracy. See Chester Tan, *Chinese Political Thought in the Twentieth Century* (Garden City, NY: 1971), pp. 199, 202, 255, 296-7. Why not address Thomas Jefferson, for instance? Elsewhere, FC boldly speculates about the course of society. FC's own principles of history, however, preclude such speculation. Then, there are the references to fiction. Several writers have noticed how literature is a backdrop to the entire Unabomber episode. See Donald Foster, "The Fictions of Ted Kaczynski," in *Vassar Quarterly*, Vol. 95, No. 1 (Winter 1998), pp. 14-7. See also Cynthia Ozick, "Dostoyevsky's Unabomber: Raskolnikov Lives On," in *The New Yorker*, Vol. 73, No. 2 (February 24 and March 3, 1997), pp. 114-21.

33. Joe Klein, "The Unabomer and the Left," in *Newsweek*, Vol. 127, No. 17 (April 22, 1996), p. 39; Ron Arnold, EcoTerror, *The Violent Agenda to Save Nature: The World of the Unabomber* (Bellevue, WA: Free Enterprise Press, 1997), pp. 7-12, 25-6 and 31-64.

34. Luke, "Re-Reading the Unabomber Manifesto," *op. cit.*, p. 83.

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and more individualistic perspectives is simply overlooked.[35] *Industrial Society* is closer to Lysander Spooner than to Karl Marx.[36] On the other hand, claims by Internet Nazis that FC is one of them stand on little more than shared hostility to the Left — hardly a definitive trait.

Attribution to Kaczynski

Industrial Society is an anarchist compromise between at least two synthetic worldviews. Kaczynski seems to have controlled the written expression of these ideas, but only one of the worldviews can be easily linked to him. The FBI's Affidavit for the search of Kaczynski's cabin indicates that several other individuals had previously attributed *Industrial Society* to a different suspect in the investigation.[37] However, the essay was readily recognized by Kaczynski's family, who provided a wealth of comparable documents. A content analysis by the FBI (later endorsed by a consultant) found numerous parallels between *Industrial Society* and Kaczynski's writings. Many similarities are superficial, but a shared preference for arcane spellings and rare turns of phrase are noteworthy, although contested by another linguist.[38] The defense conceded that all the handwritten materials in the cabin — apparently including a "rough draft" of *Industrial Society* — were penned by Kaczynski. How complete the draft may be is not known. Typed copies of *Industrial Society* and the FC letters were also found. According to the prosecution, they (or most of them) were produced on one of Kaczynski's typewriters, but the defense did not stipulate that he authored those documents.

The behaviorist portion of the essay, along with the "totalitarian personality" aspect, tracks well with Kaczynski's academic life. He attended Harvard when Parsons was one of its most illustrious professors. Kaczynski earned a PhD in mathematics at Michigan, the cradle of behaviorism.

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35. See the special edition of *Critical Review*, Vol. 6, Nos. 2-3 (Spring-Summer 1992) especially Gus diZerega, "Social Ecology, Deep Ecology, and Liberalism," pp. 305-70.

36. Lysander Spooner, "No Treason: The Constitution of No Authority," in *The Lysander Spooner Reader*, intro. by George H. Smith (San Francisco, CA: Fox and Wilkes, 1992), pp. 77-122.

37. US v. Kaczynski, "Affidavit" (no document number), p. 94. Understandably, no names are mentioned. Victor Ferkiss has written that he received some attention from the FBI as a source for ideas in *Industrial Society*, but not as a suspect. See Victor Ferkiss, "The FBI Comes Calling: My Encounter With the Unabomber," in *Commonweal*, Vol. 124, No. 16 (September 26, 1997), pp. 9-10. Ferkiss claims a common influence on FC and his own work and in detecting Ellul as that source. See Doc. #74, Exhibit #30.

38. US v. Kaczynski, "Affidavit" Attachment 4; Doc. #53, Declaration #6; Doc. #74, Exhibit #27; Donald Foster, "The Fictions of Ted Kaczynski," p. 15.

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He taught at Berkeley when Hoffer was on the faculty. In letters, Kaczynski mentions de Camp's *The Ancient Engineers* (cited in note #18 of *Industrial Society*) and the commission report from which the Graham and Gurr volume is drawn.[39] While opposed to the march of technology, Kaczynski never gave up on the scientific method. He kept careful "lab notes," and even his insignificant actions and possessions were measured and quantified. He seems to have retained a faith in an objective scientific method even as he went into his trial. He stonewalled psychiatrists (telling one, "You are the enemy"), but agreed to a neuropsychiatric examination, believing "objective" tests would vindicate his sanity. Only when the results were disappointing and both courtroom protests and a suicide attempt had failed, did he consent to psychiatric evaluation as a precondition for his request to act as his own attorney.[40]

Ellul is cited in one of Kaczynski's 1971 essays, and by 1972 *The Technological Society* was his "bible."[41] In a letter to Ellul, he claimed to have read it six times, but nothing about their correspondence has been made public.[42] There is vague testimony that Kaczynski took an interest in social thought, but by his own account he stressed anthropology and history.[43] He also read science fiction, especially L. Sprague de Camp.[44] His position has never been unambiguously stated, but there are strong indicators. His known writings are generally Luddite and sentimentally nature-loving.[45] In a quote from his (yet to be published) book, Kaczynski offers to put his brother in touch with "environmental radicals."[46]

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39. US v. Kaczynski, "Affidavit," pp. 68-9.

40. On "objective" testing, see US v. Kaczynski, Doc. #501; on previous hostility to analysis, see Doc. #338, pp. 2-3; on the foreclosure of new counsel, and the failure of his suicide attempt, see Doc. #477, pp. 488, 491, and 490, and Doc #481, pp. 32-8. For Kaczynski's detailed personal account, see Doc. #576.

41. US v. Kaczynski, "Affidavit," p. 71 and Attachment #3, pp. 2 and 10.

42. US v. Kaczynski, Doc. #573, p. 17. It is tempting to suspect an exchange of letters moved Ellul to denounce Kaczynski's views (in works noted above), while solidifying the point at which Kaczynski departs from Ellul. In fact, though, almost nothing is known of this correspondence, and Ellul may never have written back.

43. Anonymous, "Ted Speaks," Green Anarchist, (Autumn 1999), pp. 20-1. That article was jointly published by *Anarchy: A Journal of Desire Armed*. Information from other sources indicates the author is Theresa Kintz.

44. US v. Kaczynski, Doc. #74, Exhibit #25, p. 6.

45. A short story he wrote in prison is a simple parable about a "cabin boy" trying to prevent a ship from being wrecked by a crew gone mad with pride in their technical prowess. See Theodore Kaczynski, "Ship of Fools," in *OFF! Magazine* (Fall 1999), pp. 15-7.

46. William Glabberson, "In Book, Unabomber Pleads His Case," in *The New York Times* (March 1, 1999), A 12. The book is still unpublished.

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However, Kaczynski's strongest link seems to be with anarchist author John Zerzan.[47] *Earth First!* has, by and large, sought to distance itself from Kaczynski, and he has advised "real revolutionaries" to abandon *Earth First!* (and their principles of open membership and participatory democracy) and form a disciplined revolutionary group.[48] The psychological report generated at his trial stresses the stability of his beliefs as solidified around his 1971 anti-technology essay, which shows a vague predilection for philosophical libertarianism.[49] Kaczynski owned a copy of Paul Goodman's *Growing Up Absurd*, which could have opened certain lines of thought, such as the need for authentic experience of the world.[50] One journal entry includes the declaration, "I would also like to kill a Communist."[51]

Collaboration, or a Compromise with Himself?

Is the heterodox character of *Industrial Society* attributable to Kaczynski? *Industrial Society* is not a case of what some analysts would call "secret writing." Knowing the esoteric material does not significantly alter the message of the essay, and FC is not in the same political situation as authors whose writings have been analyzed using this method. Self-protective concealment does not explain the problems, because (aside from the eco-radical dimension) it is the philosophical side of the essay that is more veiled. Kaczynski has no known record of published or unpublished writings drawing on the sources used. He could not have been identified by invoking these ideas and was, in fact, identified because of his closeness to the other side (the side favoring behaviorism, Ellul, and Luddism) of *Industrial Society*.

It is tempting to explain the essay's problems by a "provisional" diagnosis of Kaczynski as paranoid schizophrenic. Such an interpretation,

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47. Zerzan corresponds with Kaczynski, visited him in jail and interceded for him during the trial. Zerzan is (at least) a mentor to the Eugene, Oregon anarchists.

48. Four articles in *Earth First!*, Vol. 16, No. 5 (May 1, 1996) address the issue, and a more recent reaction appears as a "Letter to the Editor" by Theresa Kintz (then a member of the Editorial Collective of *Earth First!*) to *Gear* (September 1999), p. 24. Advice on a revolutionary splintering of *Earth First!* appears in Theodore Kaczynski, "Letter to John Zerzan," *Earth First!*, Vol. 19, No. 5 ("Beltane," May 1, 1999), p. 3.

49. US v. Kaczynski, Doc. #573, pp. 17-8, 28; "Affidavit," Attachment #3, pp. 16 and 23.

50. US vs. Kaczynski, "Inventory of Items Seized at the Residence of Theodore Kaczynski," p. 8, item MB 32; Paul Goodman, *Growing Up Absurd* (New York: Vintage, 1960). Goodman's "radical-liberal" agenda, however, is hardly on the order of FC's anarchism.

51. US v. Kaczynski, Doc. #545, Exhibit #3.

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however, is diametrically opposed to the actual psychiatric report. Everything in this report encourages the view that Kaczynski is more inclined to rigidity than heterodoxy.[52] Indeed, much like the dominant voice of *Industrial Society*, Kaczynski seems to have fastened to the apparent negativity and "pessimism" (which Ellul struggled long to deny) of *The Technological Society*, and uses it to straightjacket Ellul's sometimes consciously self-contradictory work.[53]

Industrial Society may have been typed in a cabin, but it was neither written nor read in a vacuum. To some readers, it seems intellectually inadequate; to others, it is politically deceptive. It was written to invite critics to make such mistakes. From post-modern and neo-Luddite perspectives, FC's hostility to the system is commendable, but intellectually weak and inferior to their own. Tim Luke finds FC unaware of its own similarities to Goodman, and points out failed opportunities to tap Gramsci, Mumford, Marcuse, and Lukács.[54] Kirkpatrick Sale also thinks of Mumford and Goodman, asks for Weber, Schumacher, or Carson, and looks for Ellul, but does not see him.[55] Both authors seem to assume that if FC were well versed in social criticism, the footnotes in *Industrial Society* would credit post-modern neo-Luddite writers, not their behaviorist enemies. Ignoring, for a moment, FC's peculiar forum and political intent, there is some merit in these commentaries. Scholarly criticism of technological society has a heritage too rich to suffer the injustice of cursory treatment here. The point is that FC does not openly tap those riches.

Still, *Industrial Society* is not a well-articulated body of thought. Comparable intellectuals make their careers with books, articles, and lectures, pitched at the university level. FC got 35,000 words in a newspaper. Not surprisingly, the most pervasively awkward characteristic of the essay is that FC understands the complexity of the ideas and tries to compress them into language so simple it cannot carry the weight. Sale expected a C+ student washed out of college and unaware of contemporary critics of technology, such as himself or John Zerzan. Kaczynski is bright, well educated, and had been corresponding with Zerzan for more

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52. US v. Kaczynski, Doc. #573, pp. 17-8, 27-38, but especially 27-30.

53. For a broader view, see Clifford G. Christian and Jay M. Van Hook, eds., *Jacques Ellul: Interpretive Essays* (Urbana, IL: University of Illinois, 1981).

54. Luke, "Re-Reading the Unabomber Manifesto," *op. cit.*

55. Kirkpatrick Sale, "Is There Method In His Madness?," in *The Nation* (September 25, 1995), pp. 305-11.

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than a year before being arrested.[56]

If post-modernists and neo-Luddites wish FC were more like them, conservatives insist they are all the same. Cold War logic of guilt by association is accepted more now than during the latter half of the actual Cold War. From this perspective, the fact that about 20% of the paragraphs in *Industrial Society* are devoted to an attack on leftism means nothing, just as the distinction between Marxian and Marxist, or Socialist and Communist is negligible. Joe Klein would link the Unabomber to everything "Left."[57] Ron Arnold is better schooled and sometimes more careful, yet ultimately he concludes that all environmentalists should be suspected of terrorism, even though he disclaims doing anything of the sort.[58] Of course Marx did criticize technology, and there are environmentalists who endorse sabotage. However, FC's distance from Marx can be illustrated by its balanced view of religion, whereas Marx would make religion the beginning of all alienation.[59] In any case, Klein makes his case about what FC believes only by ignoring what FC says it believes. Arnold is a fairly able critic of environmentalism, though he too unsuccessfully looks for Ellul in *Industrial Society*. However, when he slides into a sort of "laundry list" of guilt by association, the only thing that protects his integrity is the honesty of his partisanship.

All of these perspectives ring hollow, because their eagerness to press existing debates leads them to dismiss the evident political intent of FC. An important part of being the "Freedom Club" is to anticipate and to avoid being included in the post-modern club or, for that matter, the racist, sexist, or conservative club. *Industrial Society* is not post-modern, but paleo-Ellul and latter day Aristotle. It is not Communist, but anarchist (and libertarian anarchist at that). It is not easily discredited by association. With ideas resistant to conventional attack, the usual recourse is to deny the author's sanity. Although he did not expect his own attorneys to be the agents of the insult,[60] Kaczynski anticipated being declared insane

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56. Christine Craft, "Kaczynski Wants To Speak," in *Sacramento News and Review* (December 24, 1997), p. 11. Luke wrote his critique before the image of Kaczynski the hermit was modified by news of his extensive travel and reading.

57. Joe Klein, "The Unabomer and the Left," in *Newsweek*, Vol. 127, No. 17 (April 22, 1996), p. 39.

58. Ron Arnold, *EcoTerror, The Violent Agenda to Save Nature: The World of the Unabomber* (Bellevue, WA: Free Enterprise Press, 1997).

59. See Kostas Axelos, *Alienation, Praxis, and Techne in the Thought of Karl Marx*, tr. by Ronald Bruzina (Austin, TX and London: University of Texas, 1976).

60. US v. Kaczynski, Doc #545, Exhibit 8.

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so that his ideas could be discredited. The "mad bomber" is an available and useful cultural image. Kaczynski's actual state of mind is not known. The report done for the trial gave only a provisional diagnosis, but Kaczynski does not maintain that he is emotionally trouble free. Quite apart from the truth of the matter, the calculated legal tactic of declaring Kaczynski a "mad bomber" permitted the public to ignore the larger questions, at least for a while.

If the recently noisy exponents of (to adopt the phrase of the moment) "anarcho-primitivism" endorse the Unabomber's ideas, it should be no surprise. *Industrial Society* is a genuinely post-Cold War argument, diverting attention from "Left versus Right" to "big versus small" and "technically expert versus personally empowered." FC is insulated from the familiar political debates by its heresy of Ellul, rejecting technical society, but also rejecting religious spirituality in favor of hermetic individualism. Such an orientation has little reason to express itself to society. By his own account, Kaczynski "became political" about 1983.[61] Compromising with a philosophy of political community makes a rough fit, but it creates an agenda that is relevant without sacrificing "insulation" from being dragged into a Left-Right argument.

Conclusion: Revolution, Anarchy, Collaboration

Industrial Society is a difficult essay in several ways. The organization is problematic. It is neither incoherent nor tightly deductive. For most readers, its fairly plain language can be taken at face value, but its meaning may appear to be strained by the heavy load those simple words are made to carry. A more sophisticated audience is frustrated by FC's positions that are parallel to, but separated from important pre-existing traditions of social criticism.

The argument here contradicts many ill-founded impressions of the Unabomber episode, but also conflicts with the simple fact that there is no significant, publicly available evidence of a knowing accomplice. Furthermore, information on the subject is limited and its sources are problematic. Only a tiny fraction of Kaczynski's writings have been made public, and every available item was sorted out and presented to serve legal or clinical priorities. Yet, the "simple facts" in no way prohibit the conclusions reached here. Contrary to popular belief, Kaczynski has carefully refused to admit he wrote *Industrial Society*. More

61. Anonymous, "Ted Speaks," in *Green Anarchist*, *op. cit.*, p. 20.

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surprisingly, the government joined him in obscuring the question.[62] At Kaczynski's sentencing, prosecutors did not require him to admit writing *Industrial Society*, although he was required to "agree" to many other examples of his writing.

To anticipate another objection, perhaps Kaczynski is truly shy in person, but he does not seem at all reticent about writing to interesting people (Ellul and Zerzan, for example). In the minimal scenario, he might never have met his most helpful interlocutor. Given the many "committees of correspondence" promoted by green activists in the years before the Internet, connections of this sort were not uncommon.[63] Also, several people unwittingly helped Kaczynski with research, money, tools, materials, testing grounds, or transportation. An equally innocent correspondent would actually fit the pattern.

To summarize, then, a careful reading of *Industrial Society* makes a few things clear. FC (and presumably, therefore, also the Unabomber) is "about" anarchist revolution. *Industrial Society* is a serious attempt to explain the need for such a revolution, and belongs to the "libertarian" tradition of anarchism. The peculiarities of the essay are best understood as the product of a compromise between two well-educated worldviews. One is behaviorist, impressed with certain aspects of Ellul's writings, and has Luddite aims, the other is more philosophical, concerned with Aristotelian questions of community and positive freedom, and hopes to achieve a world that is technologically primitive, but ecologically sound. The character of *Industrial Society*, along with some external support, indicates that Kaczynski probably wrote it, but with the aid of at least one collaborator.

Implications

The meaning of the Unabomber episode and its aftermath has been elusive. Understanding more about FC's essay helps in several ways: 1) If the essay is a political compromise, the differing reactions to it by the general public and street level activists makes sense. 2) FC's summary of Ellul advertises the power of a general approach to the problems of technology. 3) Prevailing ideologies do not oppose FC so much as flee from what they share with the bomber's beliefs. 4) There is plenty of

62. US v. Kaczynski, Doc. #1 and #555, pp. 5-6; Peter Klebnikov, "Return of the Unabomber: The Disturbing Cult Around Ted Kaczynski," in *Gear* (May-June 1999), pp. 56-60.

63. See Charlene Spretnak, *The Spiritual Dimension of Green Politics* (Santa Fe, NM: Bear, 1986), p. 77.

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ground for critiquing FC's views, but those positioned to do so shrink from the task.

The essay is a political compromise. However, the tension within that compromise is not entirely detrimental to its political effect. The general public is confused, as should be expected. Cost efficient sound bites and short attention spans are part of the world that is being attacked. In an age of ideology, the audience expects revolutionaries to deliver a symphony of harmonious political ideals. A secular replacement for religion is supposed to come first, while compromise is a political necessity that comes later. With *Industrial Society*, the political compromise is not postponed. It sounds dissonant, admits its own limits, leaves questions open, and does not resolve all differences among its contributors. Yet, there is a concordance that freedom is right, technological society is enslaving, and that something can be done.

For the relevant activists, this is attractive. Exactly because FC does not conform to a constricting uniformity, it fits the new shape of global protest. Diverse perspectives converging on a common cause has become the familiar pattern. "Globalizing meta-narratives" are considered suspicious by the sophisticated, and ideologues are widely seen as intolerant. In this environment, a new generation of anarchists have had an impact disproportionate to their numbers, and in doing so they endorse FC's call for industrial collapse.

Questioning "techne" is not limited to radicals. FC revives the critique of technology along the lines set out by Ellul. This is the aspect that has most impressed thoughtful members of the technological elite, some of whom are honest enough to quote FC.[64] The standard conceit of progress is that the shapeless, uncontrolled, deeply interdependent system of technical innovation works for the good. The bad aspects of technology are regarded as particular problems, while the system is beneficial. FC emphasizes that what is actually most impressive and seductive are narrow, particular improvements, while it is the interaction of the system as a whole that hems modern life. It is not inconceivable that society could mediate between human nature and technology. Thoughtful, intelligent, educated people might have a lot to say about that. However, as FC arrives to press the question, it is the ideologues who speak loudest.

FC's essay is not a balm or a stimulant, but an acid. It threatens important beliefs by dissolving their logic into its own agenda. Subtly, FC

64. Michael Taylor, "Real Anarchists Decry Unabomber," in *The San Francisco Chronicle* (May 16, 1995), pp. A1 and 11.

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implies to certain political believers: "You don't want to agree with us, but logically you must." FC tells serious ecologists that they should join the revolution. A "deep" notion of ecology cannot escape the logical conclusion that its ends require the virtual elimination of humanity. Confronted with FC's hijacking of radical ecology, eco-philosophers simply take refuge in their pacifism. Industrial collapse may be unlikely, but it is surely the more plausible road to a people-free wilderness.

Market ideologues are threatened with every bit as much guilty recognition of themselves. FC's innovations are interesting, but the style, tone, and effort involved in that synthesis are revealing in another way. Only among devotees of von Mises, Hayek, Rand, and Friedman does one find the sort of perspective that presumes there is nothing at all to say about the Left except as pathology, and that the world is hungry to know just what ails these misguided leftist souls. If libertarian individualism is what lends virtue to the merciless market, it lends itself all the more to anarchy. If government control is illegitimate on libertarian grounds, there is no defense for the power of corporate bureaucracy either. Confronted with FC's radical individualism, market ideologues resort to accusing it of being leftist.

Self-avowed "real" anarchists are in an awkward position, as well. When FC first identified itself as anarchist, the reaction in those quarters is well summarized as a sarcastic, "Thanks a lot."[65] Anarchists have often suffered from the backlash against their historical use of violence and, in recent years, have struggled to distance themselves from it. Clearly, FC is not a direct descendant of Proudhon or Bakunin, yet it is sincere in undertaking a new form of anarchism. Respecting the sensitivities of its nearest political relatives, FC's letter accompanying the essay apologized for not qualifying its self-identification. Absolving them of association with the Unabomber crimes, FC left the same anarchists wondering if "real" anarchism should want to be so absolved.

As for intellectuals, fear had its role in the silence while academia was under attack by the Unabomber. While the violence was mute, the bombings were unintelligible, but also unsolvable. Silence did not end with the bombings. It became a solution. Kaczynski's arrest confirmed what was quietly suspected after the publication of *Industrial Society*. Intellectuals found themselves to have been under attack by someone who

65. The most impressive example is Bill Joy, "Why the Future Doesn't Need Us," in *Wired* (April 2000) pp. 238-63.

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was (as Joseph Conrad once phrased it) "one of us." On top of all, the Unabomber was an embarrassment. Obviously, the Unabomber and FC did not go unnoticed. FC's essay is intelligent and educated, but flawed in its construction and not fully developed. Those shortcomings are not a legitimate reason for actively ignoring the whole episode, but rather the excuse for trying to do so. Any balanced response would constitute inclusion. Continued silence was the natural path. In this respect, intellectuals set an example for other elites. Faced with embarrassment of their own, government and the courts eventually adopted silence as their policy goal for the Unabomber affair.

Kaczynski's attorneys pressed a "mental defect" defense to save their client's life. They systematically misled and then defied Kaczynski. They kept to their guns when a prosecution motion deprived them of any expert witnesses to support their argument. They stayed the course when the judge threatened to hold them in contempt. Their efforts appeared to be failing. Under then-current law, "mental defect" was a frail barrier, and no barrier at all without expert psychological testimony. Also as a matter of law, both sides filed briefs conceding that the right to self-representation could not be denied in the circumstances. However, it suddenly became apparent that the defendant was bent on a political trial. If Constitutional guarantees were respected, he would get it.

For the government, the context was terrible. A series of spectacular trials had the press fully mobilized for court coverage. Paranoia was commonplace, and exploiting it was a booming industry in the post-Cold War, pre-millennium, X-Files era. The militia movement was still flourishing, but most people did not yet realize how much closer the Unabomber was to them than to 1960s revolutionaries. Federal law enforcement was saddled with the burden of its misdeeds at Waco, Ruby Ridge, and elsewhere. Last, but not least, biotechnology, the most dynamic technical field of the day, had just collided with a global ban on cloning, as if to admit that the Unabomber might have a point.

Like academia earlier, government found itself in danger of being embarrassed by an enemy that might have something intelligent to say. It would have taken civic courage to give Kaczynski the opportunity to explain techne, advocate an ideology without uniformity, and compare FC's confusing writing to its critics' confused thinking. He might fail, of course. Still, he was an unusually intelligent, educated terrorist, and surprisingly able to talk out of turn during the trial. Kaczynski's defense team skillfully led the court and prosecutors to join them in muzzling their

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client, asking only that his life be spared. One public defender announced in open court that Kaczynski could not bear having his ideas publicly degraded as madness. The other said, just as openly, that they would challenge their client's competence, but only because he wanted to fire them.

Finally, everyone got the hint. A Bureau of Prisons psychiatrist found Kaczynski competent, but went on to provide an expansive (though "provisional") diagnosis that the defendant was schizophrenic (though "functional" and in "remission"). The judge stretched the facts and the law to explain denying the right to self-representation. Cornered, Kaczynski offered a plea to save the dignity of his ideas, and the government grabbed the chance to silence them. The durability of this solution is in doubt. The government essentially concedes that Kaczynski will get a new trial, if the 9th Circuit Court of Appeals follows its own recent precedents.[66] Protests against global technocracy press the conflict in the venue of the streets. By and large, the most important meaning of the Unabomber episode is its demonstration of how ill prepared modern society is for new, unfamiliar confrontations. *Industrial Society* is better than its detractors pretend, but certainly open to serious challenge. The awkward denials and embarrassed cringing pass through diverse channels, but they all flow from a central fear that modernity is not up to the argument.

66. The court's most relevant decision favored the appellant in US v. Hernandez. Prosecutors cannot deny the similarity of the cases, so they try to persuade the court that it was wrong the first time: "The government asserts that Hernandez was wrongly decided." US v. Kaczynski, (9th Cir.) [Docket no. 99-19531] "Brief for the United States" filed March 15, 2000, p. 39, footnote 11

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Review:

Holistic Republicanism

Philip Pettit, *The Common Mind: An Essay on Psychology, Society and Politics* (Oxford: Oxford University Press, 1993), 381 pp.
Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon Press, 1997), 304 pp.

These books are the summation of numerous articles and co-authored works produced over the last two decades on topics ranging from philosophy of mind and philosophy of social science to political philosophy. Pettit's project is reminiscent of traditional philosophy in that he asks how these topics hang together when viewed foundationally. However, he is not traditional; he does not claim to deduce his political theory from his metaphysics. There are, for instance, no transcendental arguments lurking in these pages. Nevertheless, these books are vigorous and stimulating attempts to show how philosophy bears on the practical matters of politics and social life, starting with fundamental topics in epistemology and ontology.

The Common Mind

Pettit defends what might well be called the standard view in metaphysics and epistemology, which consists basically of physicalism (traditionally called materialism) aligned with realism in ontology and naturalized epistemology. The basic idea is that the world consists of real, physical states existing independently of their being known. The physical world manifests a "layered" ontology, meaning roughly that its underlying physical processes realize higher-level systems with emergent and distinct properties. Knowledge depends on a proper causal relation between the knower and the world. Pettit's physicalism is also anti- reductionist. The layered, dependency relations that make up the physical world are such that social phenomena, for instance, are not reducible to physical or biological phenomena, and the social sciences are not beholden to results in the natural sciences.

To say that social phenomena depend on, but do not reduce to physical phenomena is to hold that the dependence-relation is one of supervenience, which is weaker than reduction. Pettit identifies the central feature of these social phenomena supervening on physical phenomena as intentionality and intentional

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semantic content serving to represent states of affairs in the world. Since intentional states are directed toward the representation of states of affairs, there can be intentional states about non-existent or imaginary states of affairs. Intentional causation becomes possible for those beings whose behavior is caused in part by what they believe, fear, or hope for (types of intentional states), and thus what they represent to themselves (i.e., the content of what they believe or fear or hope for). The further restriction for the social sciences is what Pettit calls "intentional ascent," which involves forming intentional states about intentional states, and the presence of rule-following behavior.[1] He treats intentional ascent as intimately tied to rationality. It is the further capacity to have as the object of one's intentional state another intentional state. Thus, one can believe something about one's beliefs, or believe something about one's fears, or hope for something about one's desires, and such states can cause one's behavior.

He treats intentionality broadly. For example, it is possible that even animals have intentional states. A social theory will need to distinguish between an intentional system that "conforms to a rule" and one that "follows a rule." The point is that while some animals are rudimentary intentional systems, it might be said that their behavior only "conforms" to rules, since animals do not causally follow rules. Thus, they lack intentional ascent, meaning beliefs about rules are not possible.

The basic picture is that, given some natural, physical conditions, one can say that, whatever the system's intentional profile, physical conditions fix or realize that profile (though there could be different realizers for the same intentional profile). In other words, once those physical conditions are set, so also are the intentional features of the system. But, from the fact that a system is intentional, it cannot simply be deduced as to what its realizers are. This is the type of dependency called supervenience. Pettit opts for a very weak notion of supervenience, since he eschews daring metaphysical conclusions. *The Common Mind* defends only global supervenience, which means that if two worlds are physically identical, then they are mentally (intentionally) identical. The claim is cautious, since when two worlds differ physically, even to the slightest degree, global supervenience places no constraints on how mentality or intentionality will be manifested therein (or whether it will be manifested at all).

One well-worn question in philosophy of social science is: are the social sciences really "sciences" like the natural sciences? Pettit confidently answers: yes. Intentionality and mental experience are ontologically connected by physicalism to whatever are the underlying physical states of the world. Given Pettit's other commitments, this point supports the idea that the social and natural sciences are epistemologically similar. Also, like all sciences, the social sciences pursue causal explanations in the form of intentional explanations.

1. Pettit has a lengthy discussion of rule-following, which must be ignored here. However, for the purposes of this review, rule-following behavior becomes relevant in Pettit's account of social holism discussed below.

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The specific form of physicalism that Pettit opts for is now called functionalism in philosophy of mind,[2] which means that a mind is always embodied. Mental states, such as pains, are realized by physiological mechanisms in various types of biological beings. However, the concept of pain, like the concept of any artifact such as "sofa" or "thermometer," does not necessitate anything about physical realization. Specifically, one does not need to know what the physical realization is to know that one is in pain. As a mental experience, all that is necessary is that there is some qualitative feeling, and therein the intentional cause of avoidance or seeking-relief.

Pettit has three conditions for something to count as a agent (or as exhibiting an intentional state): "First, the system must be embedded in an environment: a distinct, surrounding context. Second, it must be subject to perceptual inputs from the environment: inputs that are transmitted via recognized sensory or sensory-like organs. Third, the system must respond to those inputs under the control of certain regularities: its responses must be reliably driven by the regularities" (*The Common Mind*, p. 11). An intentional being is goal-directed to the extent that it is causally driven by intentional states in the relevant circumstances. This is a plausible view of how intentionality could fit within a physicalist account of the natural world. Pettit also properly treats intentionality as the primitive concept of the social sciences, and therefore treats these sciences as remaining close to our common sense conceptions. They are neither blocked nor overridden by results in the physical or biological sciences. Even though the fields of genetics and neurology, for example, may explain the physical processes that ultimately realize mental states, a theory of social phenomena could have arisen and could have produced results in ignorance of these facts about intentionality. But the more important question is how Pettit connects these matters to his social and political theory, which requires turning to Pettit's discussion of social holism.

Argument for Social Holism

Chapter 4 of *The Common Mind* begins with a distinction between collectivism and holism, which Pettit thinks has been confused persistently in the history of political philosophy. Collectivism is the thesis that some entities of the social world are supra-individual; the candidates for such entities are corporations, nation-states, communities, collective mentalities, etc. Holism (or social holism, as Pettit prefers to call it) is a thesis about how the dispositional capacities of individuals are dependent on external (i.e. external to the individual) social relations. The notion of an "isolated individual" is a myth. "The second issue [holism versus atomism] . . . is the question as to how far people's social relationships with one another are of significance in their constitution as subjects and agents. Atomists occupy an extreme position, according to which it is possible for a

2. This term has no reference to "structural functionalism" in the social sciences.

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human being to develop all of the capacities characteristic of our kind in total isolation from her fellows, if indeed she has any fellows. There is no incoherence, as it is often put, in the notion of a solitary individual. Holists, deny this claim, arguing that one or another distinctive capacity — usually the capacity of thought - depends in a non-causal or constitutive way on the enjoyment of social relationships" (*The Common Mind*, pp. 111-112). Pettit calls collectivism an "exotic and extreme doctrine" that differs from holism in three ways; "first, the holistic claim that people depend non-causally on their relations with one another for the possession of distinctive human capacities; second, the reciprocity doctrine that intentional agents are reciprocally affected by the social entities they help to constitute; and third, the revisability thesis that social science can force some revisions on our intentional psychology" (*The Common Mind*, p. 112).

The capacity to think or to reason is the kind of skill that requires social holism. "The holist will say that the enjoyment of social relations is part of what is involved in the capacity to think; the capacity to think partly consists in the enjoyment of such relations. The atomist will deny this, arguing that the enjoyment of social relations is not an intrinsic component of the capacity to think" (*The Common Mind*, p. 171). Pettit attempts to demonstrate that the notion of the solitary thinker is somehow "incoherent." As mentioned earlier, he tries to make his case for social holism, and thus for the dependency of thought and reason on the existence of social communities by emphasizing that rule-following behavior is the key to rationality and that it requires social relations. His strategy is to argue that rule-following is not possible for isolated individuals. "The rule-following subject must be in a position to interact with other bearers of the relevant inclination or disposition: herself at later times, or other persons. Without such interaction there are no normal or related conditions on the realization of which the inclination can depend for successfully guiding the subject. Without such interaction the success of the rule-following cannot be contingent in the fashion required for fallibility. The subject will be incapable of being misled by her disposition, for the property which it leads her to recognize will not be the property that answers to the firing of the disposition under normal conditions, but just whatever property corresponds to its actual firing. If the subject is incapable of being misled by her disposition, of course, then the disposition cannot underlie an enterprise like thinking. It is of the essence of thinking that we try, without any guarantee of success, to get things right" (*The Common Mind*, p. 177).

Pettit has an identical twin thought experiment argument to support this view. Imagine two creatures internally identical, atom for atom. The twin without social relations will "lack the conceptual resources for thinking, or, more generally, for rule-following" (*The Common Mind*, p.178). This is not convincing. Since all that Pettit actually requires for rule-following behavior is "intrapersonal consistency," which means consistency within stages of a single self, then the asocial twin would have access to different stages of itself over time. Pettit also claims that the

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which means consistency within stages of a single self, then the asocial twin would have access to different stages of itself over time. Pettit also claims that the isolated twin can never be wrong in its identification, thus its rule-following behavior is not coherent (no such behavior can be infallible). But all the thought experiment establishes is that the isolated twin follows some rule for the identification of properties consistent intrapersonally, and that does not establish that the twin's identifications cannot become inconsistent or be simply wrong.

Pettit may be appealing to Wittgenstein's famous private language argument, which claims to show that rule-following requires an external social practice. Thus, the isolated twin must have a private language. But, unlike Wittgenstein's controversial strategy, Pettit does not include the idea of a social practice directly into rule-following. Thus, Pettit is not clear about how his thought experiment supports the idea that the isolated twin's rationality is inconceivable. At any rate, Pettit's conclusion is that social holism alone makes sense of the capacities of intentional agents to reason and think. "The capacity to think is superveniently dependent, at least in part, on the relations involved in intrapersonal or interpersonal interaction. Those relations are part of what goes to constitute the capacity to think. The subvening infrastructure of the capacity to think must include interaction with other people or interaction with oneself at other times. Without such interaction, no fallibility. Without fallibility, no thought" (*The Common Mind*, p.178).

If intrapersonal interaction were necessarily unavailable, and only interaction with others a precondition for rule-following (if Wittgenstein were right, for instance), then Pettit would have a kind of transcendental argument proving thought is impossible in the absence of social relations. But he despairs of finding such an argument, and settles for something less. "I think there are solid grounds for believing that even if intrapersonal interaction might be sufficient in principle for thought, still interaction across persons is always involved in practice. If such interaction is always involved in practice, this will be enough to vindicate the holist thesis." Pettit's argument runs as follows. First, he holds to the "Interactive Thesis." Human beings can only follow rules on the basis of interpersonal or intrapersonal interaction over time. (As already argued, this thesis does not support the identical twin thought experiment.) Second, he holds to the "Commonability Thesis." The rules followed by human beings are rules that another can claim as a common possession (he calls such rules "commonable"). From these two principles, Pettit reaches a negative claim. If a person follows a rule by intrapersonal consistency alone, then the rule is not "commonable." He concludes, based on the previous negative claim, that the rules followed by human thinkers are not followed on the basis of intrapersonal interactions alone. There must be interactions with other people: "the solitary but commonable thinker is an incoherent conceit" (*The Common Mind*, p. 181). The rules for thinking are commonly accessible and interpretable by others.

Pettit's defense of the commonability thesis is a bit underwhelming. Neither evidence nor success in interpretation of others shows that a solitary thinker is "an

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incoherent conceit." Of course, Pettit may mean that no cases of purely intrapersonal consistency ever have been documented. But that would hardly support the conclusion of it being an incoherent possibility. His second reason states that, since people have the capacity to make their thoughts common to others, then, even apart from the empirical evidence, the "commonability thesis is sound." But this point is not at issue. The debate is not over whether people could, as a practical matter, make their thinking commonly available. It is whether the isolated, thinking individual is a coherent notion, even in practical terms. Pettit's defense of social holism does not show that such atomism is incoherent.

From Social Explanation to Political Theory

Before turning explicitly to Pettit's political theory, it is useful to sketch his transition from social metaphysics to his social, political conceptions. The key idea again is that of social holism. Pettit's concern is whether the positions he has taken with respect to social metaphysics limits his options at the level of social explanation. Specifically, are structural explanations of society possible? A structural explanation cites non-individual and non-psychological features of social life as the causes of large-scale social events. "As example, we mentioned regularities such as those that link unemployment with crime . . . the dominance of a Protestant ethic with capitalist activity. A structural regularity has two features. First, it governs a social event or condition . . . But, second, it is causally and logically discontinuous from intentional regularities" (*The Common Mind*, p. 248).

Pettit also considers historicist explanations citing remote historical origins outside the realm of the intentional springs of action available in the present. As an historicist explanation, he cites the formation of the Soviet Union and features of the Russian revolution as the "causal ancestry" of the later dissolution of Communist regimes in Eastern Europe. His concern is not with whether such an explanation is true, but whether it really "prescinds from the immediate intentional antecedents of the social consequent explained" (*The Common Mind*, p. 249) in such a way that it contradicts his embrace of the intentional as the ground-level of social phenomena. His solution is to be ecumenical, i.e., to accept these kinds of structural and historicist explanations. But he also wishes to show that the success of these explanations must presuppose his social holistic account of intentional causation. His basic point is that these structural explanations supervene on the intentional, in much the way that the intentional supervenes on the physical. This means that we may have structural or historicist explanations of social events for which we simply do not have a full intentional story. It is not necessary to conclude that the intentional level (any more than the physical level) can be dispensed with when giving structural explanations. But it is possible to produce an explanation despite lacking such detail at the lower-level. There may simply be so many intentional regularities available that the structural or historicist story appears to have reliable intentional sub-

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regularities, since he is not a metaphysical collectivist: "In order to be prepared to endorse any particular sort of structural or historicist account we must be able to see, in our intentional psychology of people, why the type of linkage involved is likely to be reliable" (*The Common Mind*, p. 263).

Pettit is led by these reflections on social explanations to a mix of pessimistic and optimistic conclusions about political theory. His holistic individualism provides the foundations for what he calls a theory of "civic virtues." People have tendencies to realize social ends and to embrace such social values as cooperation, freedom, and social justice. But civic virtues are not hard-wired, and do not occur naturally. They require political institutions "artificially" designed to both elicit and sustain a civic virtue: "I argue that the prospects are not entirely dim, in particular that there is some hope of exploiting people's interest in social acceptance to get them to be reliable beneficent in appropriate ways: to get them to do the decent, civic thing. There is some hope of exploiting intangible-hand institutions, as there is some hope of exploiting certain invisible-hand arrangements, to generate the virtue that republicanism requires" (*The Common Mind*, p. 338).

Republicanism

Pettit's *Republicanism* is a defense of a special sense of freedom for political theory. Freedom appears to be a precondition for other social values, such as justice. A society that achieves justice at the cost of political freedom is simply inferior to one that does so while maintaining or expanding political freedom. But freedom is notoriously ambiguous. In a famous argument, Isaiah Berlin claimed that all political theories adopt one of two incompatible and questionable notions of political freedom. Either freedom is positive, i.e., involves some coercion or force required to "make people free" by establishing substantive goals, or it is negative, i.e., consists of no more than being left alone: non-interference. To be hindered in any way whatsoever (by a fence, a tyrant, a neighbor, a law, a popular vote, etc.) is to lose freedom. Pettit claims that this forced choice between positive and negative freedom is false, that there is a third concept of freedom, which he calls non-domination and finds in the so-called republican tradition of political theory.

Another way to understand this dispute about freedom is to recall some passages from Hegel's political philosophy. First, Hegel allows that some interference is consistent with freedom. Second, he considers the central problem for political philosophy to be enslavement. Hegel does not consider freedom to be simply a range of unhindered movement. More specifically, he calls concern about unhindered movement a capricious theory of action. "The Athenian slave perhaps had an easier occupation and more intellectual work than is usually the case with our servants, but he was still a slave, because he had alienated to his master the whole range of his activity" (*Philosophy of Right*, p. 241). He extends this idea of freedom as non-domination to a defense of holism: "Since the laws and institutions of the ethical order make up the concept of freedom, they are the

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substance or universal essence of individuals, who are thus related to them as accidents only . . . . Thus the ethical order has been represented by mankind as eternal justice . . . in contrast with which the empty business of individuals is only a game of see-saw" (*Philosophy of Right*, p. 259). Hegel treats slavery as an exception both to the substantial freedom of ethical life and to freedom as unhindered action (some past slaves may have in that sense been freer than some current servants). Living in an ethical order limits one's behavior even perhaps beyond some lucky slave, yet that ethical order alone constitutes freedom.

With respect to Pettit's *Republicanism*, the non-domination concept of freedom responds to two problems with the negative concept of freedom. First, non-interference would have the consequence that serial killers, prevented from living their chosen life-style by law, are not free. But that hardly seems a loss of freedom. Equally counter-intuitive is the idea that receiving a benefit or an advantage from a society makes one not free. To put the problem directly, maximizing non-interference is compatible with a world that occasions little opportunity for choice, offers only a stunted social life, and produces an abundance of misery. As long as actions are left unhindered, however meager they are, a society can claim to have achieved freedom and to thereby be better than other societies whose way of life in every other respect is superior. In this sense, freedom is simply not a primary good that all would agree to, whatever their other choices in life. Second, even if one were Hobbesian enough to embrace the dire conditions compatible with bare non-interference, there is a more serious weakness. If freedom consists of no more than non-interference, then it exists even where someone has control over an agent, but for some reason fails to exercise that control and intervene. In other words, non-interference calls the slave whose master chooses, even capriciously, not to interfere, free.

Pettit defends non-domination as an insight into the nature of political thought that has been lost for historical and pedagogical reasons. Presumably, freedom requires that one not be in a state of domination, not be a slave, even if by chance slavery were to be largely a beneficial, unhindered, and pleasant condition. This concept has two immediate advantages. First, it retains a worthwhile Hobbesian-Hegelian insight: being free and being comfortable are two different matters. Second, it allows that there may well be a justified interference with the behavior of social agents, and yet those agents are still free (as is the case in the so-called positive idea of freedom). Hegel's example of such a justified interference is that of a rational law. The problem with defending the non-domination concept of freedom is to clarify what constitutes justified interference and to distinguish it from enslavement.

One way to secure non-domination is to create reciprocal powers within the sub-groups of society to block the emergence of domination. Another is to introduce some adjudicating authority or power regulating what constitutes arbitrary exercise of power, punishing those who attempt to exercise domination, and protecting citizens from enslavement. Each has associated problems. In the first arrangement, each party (whether individuals or groups) has powers that are

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effectively equal to every other, and in that way the reciprocal powers establish a *détente* with respect to threats of domination or enslavement. What immediately arises, however, is that such a defense by way of "mutually assured destruction" eventually requires threats to exercise sanctions and interference, and such threats look like the arbitrary interference that non-domination was meant to correct. In this sense, reciprocal powers appear to reinstate, rather than to solve the problem of arbitrary, capricious interference.

The second strategy exhibits a similar problem. What prevents the adjudicating power from dominating? The answer could be that nothing can stop it, making non-interference the only viable concept of freedom. Or perhaps freedom ought not to be the primary value. But Pettit thinks that the answer to the dilemma is to find a way to specify how an adjudicating power differs from domination. He argues that a defense of a constitutional protection for freedom has more critical bite and is superior to reciprocal deterrence. "The reason that the constitutional authority will not itself dominate the parties involved, if it does not dominate them, is that the interference it practices has to track their interests according to their ideas; it is suitably responsive to the common good" (*Republicanism*, p. 68).

A second broad theme of Pettit's *Republicanism* concerns the contrast between consequential and deontological approaches with regard to how freedom should be expressed in social institutions. One could examine society from the standpoint of establishing institutions to maximize freedom, or one could examine freedom from the standpoint of constraining and limiting what institutions can do and what their proper functions are. For example, pacifism could mean maximizing peace and requiring, in certain circumstances, war, or it could mean an absolute constraint on the use of force, whatever the consequences. The question is whether the aim is to expand the range of spheres of non-domination and freedom, or to eschew such social activism by preserving some absolute constraints, whatever they might be, as long as they do not result in the domination of others.

The deontological concept reinforces the non-interference concept of freedom, which has its pessimistic expression in Hobbes, and a more optimistic expression in the later writings of John Stuart Mill. The state and its institutions are treated as permanent threats to freedom, because of their potential for massive interference. State power is tolerated only insofar as it promotes or preserves mutual protection for sub-groups. Mill uses these arguments in defense of federalism. But Pettit sides with the consequential or teleological approach, and thus allows for and defends forms of state interference as compatible with the realization of freedom (the same idea that Hegel, however obscurely, also defends). "The aim assigned to the state will be to do all it can to increase the intensity with which people enjoy non-domination and then, having achieved that goal, to look to the permissive and expansive means whereby it may increase the extent of non-dominated choice. I defended the state in the last section on the grounds that, even if it does no better than the war of all against all in increasing

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the intensity of people's non-domination — . . . — it promises to do much better in increasing the extent of undominated choices; it does not involve the same need for precautions and the same costs" (*Republicanism*, p. 106).

Two criticisms of Pettit's version of republicanism are immediately obvious. The first is that even though he salvages a forgotten and valuable political theory, his commitment to both consequentialism and adjudication at the level of the state ends up requiring and defending rather extensive powers for the central state. It has the task of simultaneously guarding against diverse forms of domination in society, and against the abusive interference of government. Pettit sees these two contrasting aims as possible, given a constitutional arrangement and an "empire of laws." He thinks that the institutional design will recommend structures by which citizens can contest governmental action, and structures by which the government sanctions and screens the behavior of its own officials. But such a complex, constitutional structure is only possible by presupposing the "civility" of the society. Republican thinkers often pair civility and "virtue." For Pettit, it becomes the further job of the state to promote civility. But civility or virtue does not arise from state institutions. Rather, it is a product of social practices and mores that precede the state, which make it possible for the state to adjudicate in disputes. This is crucial, because such practices and mores may be weakened or threatened by the range of state intervention licensed by Pettit.

The second criticism is that Petit understands non-domination largely metaphorically, rather than literally. Hegel also revises republicanism by expanding the meaning of enslavement, and thereby expanding the authority of the state. But in the passage quoted above, he resists such an expansion of domination and, for example, distinguishes the slave from the servant. Pettit extends the idea of domination, in the manner of Hegel, to such matters as the environment, gender, and education, and even embraces what he calls the "communitarian ideals" whereby republican liberty leads to the need for more republican equality and finally to a republican community. But this prospect outstrips the tradition by an ambitious project that even Pettit must admit is a "gas-and-water works version of republicanism." Though he wants political philosophy to dirty its hands with respect to the details, the result is precisely what the republican tradition hoped to block. The state is given the power and authority to rectify a myriad of social disputes under the banner of its opposition to domination. But the republican tradition, which was largely a conservative reaction against revolutionary zeal, treated interventions with proper suspicion for reasons other than actual enslavement. The French Revolution is a classic example of how the effort to extend republican rhetoric beyond its proper sphere quickly turned oppressive by stigmatizing all opposition to the state as the moral equivalent of defending slavery, and thereby dangerously centralizing and expanding state power.

Robert D'Amico

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